MODERN INDIAN HISTORY FROM 1526

TEXT-BOOK
OF
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Vol. II, Part II

SARKAR & DUTTA

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MODERN INDIAN HISTORY

(From 1526 to the Present Day)

Vol. II—Part II

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PREFACE

FROM the standpoint of the educator present-day college text-books of Indian History are not very helpful, even when they are written by scholars of repute. Amongst their defects that can be remedied without much difficulty are : (i) inadequate 'documentation' or reference to original sources or other authorities for statements made, (ii) persistence in the same old plan of 'formal' chronological presentation of matter, e.g., reign by reign, (iii) neglect of critical historical judgment, and repetition of discarded theories and notions or of the 'heresies' of history. Reform of school text-books many in India have heard of and begun, but college text-books are still in their 'Achalāyatanam.'

I have attempted in my humble way to draw up a college text-book of Indian History comparatively free from the three defects mentioned above ; and in this task my previous acquaintance with the business of training History teachers for high schools as well as the present one with that of training Research scholars in History, have been of some use ; for the principles and methods of college teaching and learning, though distinct from those for high schools, are yet the natural sequel and development of them.

Apart from drawing attention to the sources of each important statement in the book, arranging the facts topically wherever suitable, and introducing fresh perspectives, suggestive criticisms and judgment of evidence, the usefulness of the book has been sought to be improved by a bibliography both for junior and advanced students, by illustrative maps selected on a somewhat fresh plan, and by comparative time-charts. The book will appear in two volumes and in several parts.

In comparison with the University courses of study in other histories than in Indian History is decidedly weaker in India,—a curious weakness in our system of education. The standard of attainments in the national history at the different examinations should be very much higher than in any other branch of the subject. No modern advanced European or American country fails to emphasise this point, whereas in India the Indians know not themselves. We have kept this defective notion of standards in view in preparing this text-book for undergraduates: we leave it to the several universities of our country to judge for what class of undergraduates, junior or senior ; in our view the book indicates the junior undergraduate standard.

In the work of preparation of this book my former Research student and present colleague, Mr. K. K. Dutta, M.A., P.R.S., has been in every sense a full collaborator, and more than that as far as the spade work is concerned. Another Research student of mine, Mr. J. N. Sarkar, M.A., who has also just become a colleague, and a post-graduate scholar of my department, Mr. J. C. Sinha, B.A. (Hons.),* both the top men in History in their year, have helped us by looking through the typescript and the proofs, and by occasional suggestions.

While the Third Part of Volume I and the First Part of Volume II were being written and sent to the Press, I had the very great advantage of the advice and suggestions of Sir Jadunath Sarkar on many points, for which I shall always remain grateful.

I am conscious of a gap left in the plan of the last part of the book : the aspect of economic history from 1793 to 1933 has not been dealt with. This has been due to a number of reasons and circumstances into all of which I need not enter here, but I may mention that recent economic history of India is perhaps a little too much of a specialised study for inclusion

* Sinha has now passed away prematurely to the regret of us all.—S. C. S.

in a general text-book of history of the undergraduate standard, and that even if it is deemed suitable for such inclusion our omission will not be a handicap to students, as there are a number of readable books on Indian Economics and Economic History in the market,—though their historical and critical side is capable of improvement. I hope however that it will be possible to remove this defect in the plan of the last part in the next edition.

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May, 1934

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SECTION I

REVENUE ADMINISTRATION

THE reforms of Warren Hastings could not produce any satisfactory settlement of the revenue system. The system of farming revenues to the highest bidders for a short term produced serious evils. Having no permanent interest in the soil, the new landholders tried to screw out of the cultivators as much as they could within the specified time, and thus committed various oppressions on them. This affected agriculture and produce and diminished the value of the land, the area under cultivation, and the field. The Government had to depend mainly on the land revenue, but the irresponsible speculators who, out of temptation, often made high bids could not make good their contracts at the time of payment. Lord Cornwallis wrote to the Government in England: "I am sorry to be obliged to say that agriculture and internal commerce have, for many years, been gradually declining; and that at present, excepting the class of shroffs and banyans who reside almost entirely in great towns, the inhabitants of these provinces are advancing hastily to a general state of poverty and wretchedness."[1]

[1] Quoted in Mill, *Op. cit.*, Vol. V, p. 473.

The adjustment of the land revenue had, of course, proved to be a difficult affair since 1765. Pitt's India Act of 1784 directed that the Court of Directors shall forthwith "give orders to the several Governments and Presidencies in India, for effectually redressing, in such a manner as shall be consistent with justice and the laws and customs of the country, all injuries and wrongs which the rajas, zamindars, and other native landholders may have sustained, and for the settling upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which their tributes, rents and services shall be in future rendered and paid to the Company." Two years later, on 12th April, 1786, the Court of Directors, wrote to Cornwallis for giving effect to what it termed 'the true spirit' and 'the humane intentions of the Act.' The Court recommended a settlement with the zamindars, at first for ten years, to be made permanent if it proved satisfactory ; regarding the amount of assessment, the Directors were of opinion that the information already obtained might be sufficient, to enable their government in Bengal to fix it, without having recourse to minute local scrutinies ; and they suggested "the average of former years' collections to be the guide on the present occasion."[2] Thus the Permanent Settlement was "no product of any preconception of Lord Cornwallis in favour of the landlord system of England."

Cornwallis did not, however, proceed hurriedly to effect "so important a step as the conclusion of a settlement of land revenue, for a period of ten years, with a view to perpetuity ; constituting as it did the principal financial resource of government."[3] He continued the annual settlements of the revenues by the collectors during the years 1787 and 1788, while John Shore (afterwards Sir John Shore and Lord Teignmouth) an experienced member of the Bengal administration since 1769, engaged himself in making enquiries into the question of

[2] *Fifth Report.*

[3] *Ibid.*

usages, tenures and rents. On 18th June, 1789, Shore issued his famous Minute regarding the permanent settlement of the lands in the Bengal Provinces, wherein he held that the settlement was "to be made for a period of ten years certain, but with a view to permanency."[4] Cornwallis gave his reply in a Minute dated 18th September, 1789, wherein he affirmed that the Court of Directors would never have held out "the flattering hopes of a permanent settlement, which alone, in my judgment can make the country flourish, and secure happiness to the body of inhabitants, unless they had been predetermined to confirm the perpetuity, if they found that their servants here had not failed in their duty, or betrayed the important trust that had been reposed on them."[5] In another Minute of 21st December, 1789, Shore again expressed his opinion against giving any definite undertaking to make the settlement permanent; Cornwallis put in a strong reply in his Minute dated 3rd February, 1790, which he concluded by recommending that "the Board of Revenue be directed to notify to the landholders that the settlement, if approved by the Court of Directors, will become permanent, and no alteration take place at the expiration of the ten years."[6] Rules for the Decennial Settlement of Bengal were issued on 10th February, 1790, but it was not until November, 1791, that a complete code of regulations for it was promulgated by the Bengal Government.[7] When the question of permanent settlement came up before the Court of Directors, some members objected to it; but the measure was strongly supported by Dundas, the President of the Board of Control, and by Pitt, the Prime Minister, and the Court of Directors finally decided in its favour.[8] They sent their orders to Bengal

4 R. C. Dutt, *India Under Early British Rule*, pp. 89-90.

5 Forrest, *Cornwallis*, Vol. II, pp. 72—80.

6 *Ibid.*, p. 115.

7 Land revenue realised in 1791 from Bengal and Bihar, together with Benares, amounted to 3,02,54,563 *sicca* rupees. Mill, *Op. cit.*, Vol. V, p. 493.

8 *Vide* letter of Dundas to Lord Cornwallis dated 17th September, 1792, quoted in Forrest, *Cornwallis*, Vol. I, p. 204.

through their letter dated 19th September, 1792, on the basis of which a proclamation was issued on 22nd March, 1793, which declared the decennial settlement of Bengal and Bihar to be permanent.[9]

Writers on Indian History and Economics have passed diametrically opposite opinions on the merits and demerits of the Permanent Settlement.[10] According to Marshman, "it was a bold, brave and wise measure. Under the genial influence of this territorial charter which for the first time created indefeasible rights and interest in the soil, population has increased, cultivation has extended, and a gradual improvement has become visible in the habits and comfort of the people."[11] The *Fifth Report*, after pointing out certain defects in the revenue administration after the Permanent Settlement, holds that "the measure was a success and that the Government had taken every step in its power to remove the minor defects, which are not infrequent in all important legislation of a revolutionary nature." On the other hand, Holmes has written that "the Permanent Settlement was a sad blunder. . . . The inferior tenants derived from it no benefit whatever. The Zamindars again and again failed to pay their rent charges, and their estates were sold for the benefit of the Government."[12] Mill has also used strong strictures against the settlement,[13] and Thornton has remarked that the "permanent settlement of Lord Cornwallis was concluded under the influence of an extraordinary degree of ignorance. Little was known of the tenure by which the lands were held; little of the various rights connected with them; little of their value or capability of improvement. The effects were in many cases such as

[9] For terms of the proclamation, *vide Ibid.*, p. 206 and *Fifth Report*, edited by Firminger, Vol. I, pp. 35-36.

[10] For details, *vide* Thornton, *Op. cit.*, Vol. II, pp. 526—37, footnote.

[11] *History of India* (1871), Vol. II, p. 35.

[12] *History of the Indian Mutiny*, p. 12.

[13] *Op. cit.*, Vol. V, pp. 517—32.

might have reasonably been expected, though widely different from those which Lord Cornwallis contemplated."[14]

One has to admit that the latter view is nearer the truth and that the Permanent Settlement was not an unmixed blessing. It is of course true[15] that the settlement ultimately gave fixity of tenure to the zamindars (a class hitherto in a state of continuous flux and change in composition) so long as they paid the fixed dues to the state, and that some members of this class (not all) have also done much for the moral and material improvement of the province. But the Permanent Settlement by recognising the proprietary rights of the zamindars in the lands introduced new " rights hitherto unknown and unenjoyed in that country."[16] The Zamindars or the Talukdars had been formerly mere revenue-farmers, who paid to the government nine-tenths of the whole collection and took the rest as remuneration. They had never any proprietary or even really hereditary rights in the soil, but during the decay of Mughal central authority they had considerably increased their power[17] and stability—which, however, again became seriously affected by the land-revenue administrations and policies under the Bengal Nawabs and their successors the East India Company (Murshid Quli to Hastings). As Mr. Roberts has remarked, the " Zamindari system which was originally a hereditary contract agency for the collection of revenue became something resembling a landlord state." But Cornwallis recognised these

14 *Op. cit.*, Vol. II, p. 526.

15 Within about two decades the province of Bengal gradually returned to normal state of agriculture after the economic confusion, uncertainties and calamities of the latter half of the eighteenth century (on the eve of the Permanent Settlement enquiry showed that one-third of the cultivable land of Bengal was abandoned); so that though at first the zamindars found it difficult to pay according to the new rates of settlement, ultimately their profits from land grew to be so much in excess of the state demand that they did not take the expected interest in agricultural development, and gradually became absentee landlords.

16 *Fifth Report.*

17 Baden-Powell, *Land Systems of British India*, Vol. I, pp. 283-84.

contractors and agents as "lords of the soil" and "owners of the land," and his measure was intended to improve the status of the Zamindars, according to the contemporary British conception of the landed aristocracy.

Strangely enough, the immediate effects of the Permanent Settlement upon the Zamindars were disastrous. The revenues, though permanently fixed, were not at that stage very light,[18] and many of the Zamindars being unable to pay the stipulated revenues were deprived of their properties by the sale laws, ordinarily spoken of as the 'Sunset law.'[19] The rigours of the sale laws[20] "gave the last blow to the old aristocracy of Bengal,"[21] that is, to the remnants of it.

The rights and interests of the *raiyats* were ignored. Firstly, they had to sacrifice their proprietary rights, and secondly, nothing was done to safeguard their customary rights but they were left entirely at the mercy of the landlords.[22] Rightly did Sir Charles Metcalfe remark: "We destroyed all the existing property in land, by creating a class of proprietors to whom we recklessly made over the property of others."[23] "A very great blunder as well as gross injustice was committed," writes Mr. Beveridge, "when a settlement was made with the Zamindars alone, and rights of property every whit as good as theirs were completely ignored."[24] Sir Edward Colebrooke, an advocate for some sort of permanent settlement, remarked in a minute recorded in the Bengal Consultations, July, 1820: "The errors of the Permanent Settlement were

[18] *Ibid.*, p. 289. *Vide* note 15 above.

[19] *Ibid.*

[20] "At first the *Zamindaries* were sold not in the districts to which they belonged but in Calcutta at the office of the Board of Revenue." J. C. Sinha, *Economic Annals of Bengal*, p. 272.

[21] *Ibid.*

[22] *Minute of Lord Hastings* in the Revenue Appendix to the Report of the House of Commons, 1832.

[23] *Calcutta Review*, August, 1929.

[24] *Comprehensive History of India*, Vol. II, p. 631.

twofold ; first, in the sacrifice of what may be denominated the *yeomanry*, by merging all village rights, whether of property or of occupancy in the all-devouring recognition of the Zamindar's permanent property in the soil ; and secondly, in the sacrifice of the peasantry by one sweeping enactment, which left the Zamindar to make his settlement with them on such terms as he might choose to require. Government indeed reserved to itself the power of legislating in favour of the tenants, but no such regulation has ever taken place ; on the contrary, every subsequent enactment has been founded on the declared object of strengthening the Zamindar's hands."[25] Regulation VII of 1799 empowered the Zamindars to distrain the property of their tenants for rent without sending notice to any court of justice. The village record of rights ceased to be kept and the office of the Kanungo was abolished throughout Bengal and Bihar. Cornwallis' hope that the new landlord would " be known as the benevolent landlord of a covenanted tenantry " was disappointed ; " the Zamindars, as a class, did nothing for the tenants but rackrent them, or hand them over to ' patnidars' or rent-farmers, who did so still more."[26] The tenants could get protection at the British Courts. But " the Courts of Justice could proceed only by regular suit on the complaint of the injured party. The poverty of the people, their passive character, and the extreme difficulty of proving by legal evidence before a distant tribunal what was customary have rendered this protection illusory ; the rights of the Bengal ryot have passed away *sub silentio*, and they have become, to all intents and purposes, tenants at will."[27]

It may be mentioned in this connection that later on, for two generations, some, finding merits in the Permanent Settlement, urged for its extension in other provinces. But the question was closed by the Secretary of State's declaration

25 Quoted in *Thornton, Op. cit.*, Vol. II, p. 533.

26 Baden-Powell, *Op. cit.*, Vol. I, p. 290.

27 Forrest, *Cornwallis*, Vol. I, p. 207.

dated 28th March, 1883,—though the late Mr. R. C. Dutt revived the plea for this extension.

In India there have been usually two bases of differentiating land revenue settlements, (1) the position of the person or persons responsible for the payment of the land revenue, (2) the duration of the settlements. On the first basis, there have arisen three main types of land tenure—(a) *Zamindari*: when the revenue is "assessed on an individual or a community owning an estate and occupying a position, identical with or analogous to that of a landlord," (b) *Joint village or Mahalwari*: where there are "village estates which are held by cosharing bodies or village communities the members of which are treated as jointly and severally liable for the land revenue," (c) *Rayatwari*: where the actual occupants and cultivators of smaller holdings pay the revenues directly to the officers of the state.[28] On the second basis the settlements may be (A) *permanent*: that is, the amount of the share demanded by the State may be fixed for ever (*e.g.*, in Bengal), and (B) *temporary*: when the state demand is fixed for a short or fairly long definite period and not in perpetuity, the ordinary period being thirty years in Bombay, Madras and the United Provinces and twenty years in the Central Provinces and the Punjab. A zamindari settlement may not always be permanent nor is it true to say that all rayatwari settlements must be temporary and unstable. The Zamindari settlements in Agra, the Punjab or the Central Provinces, for instance, are not permanent.

With the gradual expansion of the British dominion in India, different systems of land tenure and revenue assessments were established throughout the country according to the varying circumstances in different areas. Benares in 1795, and some of the northern districts of the Madras Presidency in 1802 were permanently settled.[29] But the permanent settlements in

[28] These, however, do not exhaust the types of land settlements in India. There are some other varieties in different interior parts of India.

[29] Dutt, *India Under Early British Rule*, pp. 129—34; Baden-Powell, *Op. cit.*, Vol. III, Part I.

these Madras districts became unpopular and were not supported for other parts of the Presidency, and so the Rayatwari system was introduced there through the exertions of Sir Thomas Munro,—who having been connected with the affairs of Southern India for many years before 1820, was ultimately appointed Governor of Madras (1820—1827).[30] The modern system in Madras dates from 1855.[31] During the years 1855—1862 the Madras Government made declarations that the Madras raiyats could not be ejected by Government so long as they paid the fixed assessment and that "the Government demand on the land is fixed for ever."[32] But the late Mr. R. C. Dutt has pointed out that "these repeated assurances" have been in actual practice "ignored and set aside" and the Madras raiyats continued to suffer from the evils of an "uncertain state demand." Lord Ripon (1880—1884) suggested that in districts which had once been surveyed and settled the land tax should not be enhanced except on the ground of a rise in prices. "This compromise," remarks Mr. Roberts, "would have happily combined the ideal of comparative permanency with that of a certain incidence, while leaving to the Government an open door for an increase of revenue if there was a general rise in prosperity."[33] But this rule was unfortunately cancelled by the Secretary of State.

The Bombay Presidency has also developed the Ryatwari Settlement. The results of the settlement operations there, which commenced from 1835, were gathered up and formulated as rules for future guidance in what is known as the Joint

30 Sir Thomas Munro's name is as famous for the land settlements of Madras as that of Cornwallis for Bengal. "Perhaps there never lived a European more intimately acquainted," says his biographer, "with the characters, habits, manners and institutions of the natives of India, because there never lived a European who at once possessed better opportunities of acquiring such knowledge and made better use of them."

31 Baden-Powell, *Op cit.*, Vol. III, pp. 51—83.

32 Dutt, *Op. cit.*, p. 169.

33 *Op. cit.*, p. 466.

Report dated 2nd August, 1847, signed by H. E. Goldsmid, Capt. Wingate, and Capt. Davidson. The Report laid down the following principles of the Bombay settlement: (1) 'it was based on the assessment of each field separately,' (2) 'it granted long leases of thirty years,' and (3) 'it abandoned the basis of (actual) produce estimates, and substituted the basis of the (potential) value of lands for distributing the assessment.'[34] In Oudh, the Talukdars got full proprietary rights. Mahalwari settlements or settlements with village proprietors were adopted in the North-Western Provinces (Agra, etc.) between the years 1833—1849, and in the Punjab after its annexation. After the formation of the Central Provinces in 1861, the Malguzari settlement was adopted there, by which the revenues were farmed to the Malguzars or the old revenue collectors and payers, and their proprietary rights were also recognised.

Thus these settlements created, except in Madras and Bombay Presidencies, a class of intermediaries such as the Zamindars, Talukdars, Malguzars, Khots, Inamdars, or other tenure-holders, between the State on the one hand and the actual peasants and cultivators on the other. The question of tenant rights, especially in Bengal, the United Provinces and the Central Provinces, has been a very vexed one. The Government has passed during the last sixty-five years various Tenancy Acts,[35] for protecting the interests of the tenants by limiting the demands of the zamindars and protecting the tenants from vexatious evictions. It has been an established rule in Bengal and the Agra Province that "any one who can prove that he has been tilling land in the village for twelve years without a break acquires the status of an occupancy tenant and cannot be evicted as long as he pays the rent." This twelve years' rule is not in force in the Punjab and Oudh.

[34] Dutt, *India in the Victorian Age*, p. 62.

[35] Bengal Tenancy Act X of 1859, VIII of 1885, III of 1898, I of 1907, and the Chotanagar Tenancy Act of 1908 are important. *Vide* S. C. Ray, *Land Revenue Administration*, pp. 18—29.

and is applicable to a limited extent in the Central Provinces. But the interests of the tenants in those parts have been safeguarded there in other ways by local Tenancy Acts,[36] *e.g.*, in Oudh, the Rent Act, XIX of 1869, in the Central Provinces, Acts XVIII of 1881 and XII of 1898, and in the Punjab, the Tenancy Acts XXVIII of 1868, XXXIII of 1871 and XVII of 1887. The Punjab Land Alienation Act of 1901 was passed to prevent unnecessary and frequent alienations of land from the hands of the old agricultural classes to those of the moneyed and speculating classes.

The terrible distresses and sufferings due to the famines which visited India during the close of the nineteenth century drew attention of some old and experienced officers of the Government to its Land Revenue policy. The late Mr. R. C. Dutt, along with several other retired European members of the Indian Civil Service, presented (in 1900) a memorial on the subject to the Secretary of State for India.[37] Shortly before this Mr. Dutt had addressed his Open Letters to Lord Curzon ; and the Government Resolution of 1902 declared by way of reply that the "Legislature has created a strong body of occupancy tenants in Bengal, has secured the tenantry of Oudh against enhancement at over-frequent intervals and in immoderate proportions, and has practically given to every tenant in the Central Provinces fixity of tenure at a fair rent."[38]

After the reforms of 1919, land revenue has been made a provincial subject and is one of the main sources of income for the Provincial Government. But it was not made a transferred subject, and the Government of India still retained a large control over its administration. But in recent times there have been movements in different provinces for freeing the land revenue administration form 'executive arbitrariness' and for placing it under the control of the Legislature by special statutes

36 *Cambridge History*, Vol. VI, pp. 276—88.

37 *India in the Victorian Age*, p. 506.

38 Kale, *Indian Administration*, pp. 395-96.

like the Bombay Land Revenue Code. The Indian Statutory Commission remarked: "With the considerable widening of the franchise, agricultural interests have dominated the provincial legislatures, and land revenue has excited more interest and criticism than almost any other sphere of administration. Nor has the controversy been confined to the arena of legislative councils. In at least two cases (the agrarian disturbances in the United Provinces in 1921 and the Bardoli Campaign in Bombay in 1928) opposition to land revenue policy has expressed itself in a form that threatened a complete breakdown of authority."[39] But no substantial change has yet been made in the system of land revenue administration; it has been however proposed to make it definitely a transferred subject in the forthcoming new constitution of India.

SECTION II

LAW AND JUSTICE

Though, except in Bombay, the English East India Company established its settlements in other parts of India with the permission of the indigenous rulers, yet they did not become subject to their judicial authority and the current laws of this country. By the Royal Charter Act of Charles II of the year 1661, the Governor and Council of the several places belonging to the Company in the East Indies were given the power "to judge all persons belonging to the said Governor and Company or that should live under them, in all causes, whether civil or criminal, according to the laws of the Kingdom (England) or to execute justice accordingly." In 1726 the Crown of England by Letters Patent established Mayor's Courts at Madras, Bombay, and Calcutta, each consisting of a Mayor and nine Aldermen, seven of whom, with the Mayor, were to be natural

[39] *Report*, Vol. I, pp. 363-64.

born British subjects.[40] At first the Company tried to apply its laws to all Europeans as well as Indians who resided within the Company's area in the three Presidencies ; but by the Charter Act of 1753 all suits and actions between Indians purely were exempted from the jurisdiction of the Mayor's Courts. In Bengal the Supreme Court of Judicature took the place of the Mayor's Court in 1774 ; at Madras and Bombay they remained unaltered till 1797 when they were superseded by Recorder's Courts, which again were replaced by Supreme Courts on the Bengal model established at Madras and Bombay in 1800 and 1823 respectively.

We have already noted the paralysed state of Bengal judicial administration during the period of confusion following the battle of Plassey, and also the judicial reforms of Warren Hastings. Further efforts to reform the judicial system were made by Lord Cornwallis. For convenience of administration he divided the country into districts each of which as a separate unit was placed under the charge of a Collector who was a member of the Company's civil service. He overhauled the machinery of justice and laid the main foundations of the existing system. One of his most important changes in this direction was that he took away from "the Board of Revenue and the Collectors all judicial powers, thereby confining their duties and functions to the mere collection of the public dues, and to transfer the cognisance of the causes hitherto tried in these courts to the Courts of Justice."[41] For the administration of Civil justice a regular hierarchy of courts was constituted. At the top was the Sadar Dewani Adalat or the Chief Civil Court, consisting of the Governor-General and Members of his Council in Calcutta and assisted by the Kazi-ul-Kazat or the Chief Kazi of the state, two Muftis and two Pandits.[42] It was

40 *Fifth Report*, edited by Firminger, Introduction, Chapter V. Many original records about the Mayor's Court in Calcutta have been published in *Bengal: Past and Present.*

41 Forrest, *Cornwallis*, Vol. I, p. 208; *Fifth Report*, pp. 54-55.

42 A curious mixture of exponents of Hindu, Islamic and English law, not yet organically compounded into an 'Indian State Tribunal.'

to "hear appeals and control the exercise of powers of the judicial courts." No appeal could be made to this court unless the subject of dispute was valued at Rs. 1,000 or more.[43] Below this court were provincial courts, established at the chief cities of Patna, Dacca, Murshidabad and Calcutta. They were "courts of revision and appeal with relation to courts below; but they were also to a certain extent, courts of primary jurisdiction.[44] Each of these courts was placed under three European judges, all covenanted servants of the Company, and three assessors, a Kazi and a Mufti for Muhammadan Law and a Pandit for Hindu Law.[45] The decisions of these courts could be final for suits not exceeding Rs. 1,000 in value.[46] In the next grade were the *zila* or district courts, established in each of the newly-formed districts and City Courts in 'considerable towns or cities' under a British judge, who was to be a servant of the Company higher in rank than a Collector and who was assisted by native assessors. A judge of such a court was "to have cognisance over all civil causes of all descriptions that may arise in his jurisdiction, whether of the nature of those termed revenue causes, and hitherto tried in the Revenue Courts, or of the description of those which have been cognisable in the courts of the Dewany Adalat."[47] All classes of persons within these district or city areas were amenable to the jurisdiction of these courts, except the 'European and British subjects' who were under the control of the Supreme Court of Judicature in Calcutta.[48] The executive and ministerial business of the courts thus constituted were transacted by registrars or more assistants appointed from the junior branch of the European covenanted service. At the bottom of the organisa-

[43] Thornton, *Op. cit.*, Vol. II, p. 536.

[44] *Ibid.*, p. 437.

[45] Forrest, *Op. cit.*, Vol. I, p. 209; Mill, *Op. cit.*, Vol. V, p. 501.

[46] Thornton, *Op. cit.*, p. 538.

[47] Forrest, *Op. cit.*, Vol. I, p. 208.

[48] Mill, *Op. cit.*, Vol. V, p. 499: *Fifth Report*, p. 56.

tion stood the petty courts, in the interior of the country presided over by *native commissioners*, who were authorised to "hear and decide, in the first instance, on suits of personal property not exceeding the value of fifty rupees." These commissioners were of three descriptions: *amins* or referees, *salises* or arbitrators and *munsiffs* or native judges.[49] They were paid no salary, nor did they get any establishment, but they received as "remuneration a fee of one *ana* per *rupee*, or a commission of somewhat more than six per cent upon all sums litigated before them." Another change of importance in the administration of civil justice was that Cornwallis placed the appointment of *vakils*, or agents employed in cases, in the hands of the Sadar Dewani Adalat. This was intended to "introduce a better class of vakeels by ensuring the possession of some measure of qualification for the office which they undertook, and by subjecting them to due control."[50]

A parallel organisation of courts was set up for the administration of Criminal Justice with the Sadar Nizamat Adalat in Calcutta as the highest Court of Appeal. The judges of the Provincial Courts were made judges of circuit in their respective divisions; it was provided that "the senior judge will go on the circuit of one-half of the stations within their jurisdiction, whilst the other two perform the circuit of the remainder."[51] The Deputy Nawab of the old order, Muhammad Reza Khan, was deprived of his criminal jurisdiction, and the Nizamat Adalat was transferred from Murshidabad to Calcutta. It was to meet at least once a week and was to "take cognisance of all matters relating to the administration of justice in criminal cases, and submit such propositions as may appear to them calculated for the better regulation of the same, for the consideration and sanction of the Governor-General-in-Council."[52]

49 *Fifth Report*, p. 55.

50 Thornton, *Op. cit.*, Vol. II, p. 542. This may be taken as the beginning of the British Indian legal profession of to-day.

51 Forrest, *Op. cit.*, Vol. I, p. 209.

52 Quoted in Aspinall, *Cornwallis in Bengal*, pp. 70-71.

Besides changing the instruments of judicature Cornwallis made a few alterations in the criminal law administered,[53] and an elaborate Code of Regulations known as the *Cornwallis Code* of 1793 was published for the guidance of the officers of the new judicial system.[54] Cornwallis held a favourable opinion of the working of the new Courts of Justice. He declared in February, 1793, that the "most happy effects have already been felt from this system."[55] "The present system," said one of the then Patna Judges, "must in our opinion be considered by the natives as a blessing to their country, particularly when compared to the former defective and weak state of the criminal jurisdiction; they are now not only sure of speedy justice, but an impartial administration equally to all ranks, and the indigent are now as certain of justice as the opulent and of no distinction being made in inflicting of punishment when either are proved to be deserving of it."[56] But this was clearly an exaggerated estimate about the working of the new system; it might have removed some abuses of the old order but it "was yet by no means perfect."[57] Mill, a hostile critic, has made virulent remarks[58] against this system, some of which are, however, justified. Thornton thinks that the "judicial changes could scarcely aggravate the evils previously existing, but they had perhaps little effect in abating them."[59] Justice did not at once become cheap and easy; on the other hand, the immediate effects were visible in the multiplication of suits[60] and in the growth of huge files of pending cases.[61] "The courts were greatly infected with technicalities of procedure calculated both

[53] *Ibid.*, pp. 74—76; Thornton, *Op. cit.*, Vol. II, pp. 543—46.

[54] Aspinall, *Op. cit.*, pp. 95—98. Ross, *Cornwallis Correspondence*, Vol. II, p. 558.

[55] Aspinall, *Op. cit.*, p. 76.

[56] Quoted in *Ibid.*

[57] *Ibid.*, p. 77.

[58] *Op. cit.*, Vol. V, pp. 535—36.

[59] *Op. cit.*, Vol. II, p. 547.

[60] *Ibid.*

[61] Mill, *Op. cit.*, p. 542; *Fifth Report*, p. 115.

to defeat justice and obstruct the access to it by needless delay and expense."[62] Experience soon revealed many defects of the new system. "Year after year," writes Thornton, "some change was made in the system established by Lord Cornwallis, experiment succeeded experiment, each tending to confirm a truth of which European innovators have so often been forgetful, that it is impossible by a stroke of the pen to change the character of a people, or to render either useful or popular, institutions not framed with due regard to the national habits and peculiarities."[63]

Certain changes were indeed introduced within a few years of Cornwallis' departure, before we come to the time of Bentinck, which forms another landmark in the history of modern judicial administration. Various regulations were passed between the years 1795—1802 for the limitation and proper entertainment of suits, *e.g.*, reimposition of a fee upon registering a suit, and increase in the number of courts. In the time of Wellesley the Sadar Dewani and Nizamat Adalats of Calcutta were remodelled ; instead of consisting of the Governor-General-and-Council they came to be henceforth composed of three judges selected from among the covenanted servants of the Company ; they remained thus until merged in the High Court in 1862. In the time of Lord Minto, in 1807, the number of judges in the Sadar court was raised to four, and in 1811 it was laid down that the number of district judges should be increased as circumstances required. According to the regulations of 1793 the provincial courts used to function when their judges went on circuit. A regulation of 1795 and another of 1797, provided for the unbroken session of these courts even when their judges were not on circuit.

"None of the changes, however, did more than palliate the evils of the system. These evils were still formidable when they were submitted to the clear scrutiny of the next few

62 Forrest, *Op. cit.*, Vol. I, p. 209.

63 *Op. cit.*, Vol. II, p. 548.

years."[64] Further changes were therefore introduced during the governor-generalship of Lord Hastings. The Indian *munsiffs* and *sadr amins* had their powers in civil justice defined in 1814 and extended in 1821. A regulation of 1814 fixed the procedure in appeal, and various measures were adopted for removing the pressure of work in the higher courts ; a separate court was established for the Western Provinces, the number of judges in the Court of Appeal in Calcutta was raised to five, and the work was systematically divided among the judges. In order to give relief to the lower courts special commissions were established for administering justice, the number of *zila* judges was increased and certain judicial functions were retransferred to the revenue authorities. The Collector's position was thus once more changed.

Lord William Bentinck's reforming spirit affected the sphere of judicial administration as well. He abolished the Provincial Courts of Appeal in civil cases, conferred full criminal jurisdiction upon District Civil Judges, newly designated District and Sessions Judges, and transferred to the Collectors the magisterial powers formerly exercised by the civil judges. This has been regarded as a reactionary measure as it was opposed to the principle of separation of executive and judicial functions. We have seen that Lord Cornwallis had created Courts of Native Commissioners outside the Presidency towns ; Lord William Bentinck in 1831 formed a new grade known as Principal Sadar Amins, whose jurisdiction afterwards became unlimited in respect of value. In 1868 these were transformed into Subordinate Judges under the District and Sessions Judges.

It was about this time that we find the beginning of attempts for codification. Hitherto nothing except certain 'Regulations' with which the names of Munro in Madras and of *Elphinstone* in Bombay are associated, had been achieved in this direction. By the Parliamentary Act of 1833 a Law Member was added to the Governor-General's Council and a Law Commission was

[64] *Cambridge History*, Vol. V, p. 457.

appointed to sit in Calcutta for preparing a law code and for standardising judicial procedure. Lord Macaulay took a large part in the labours of this Commission, and a Penal Code was prepared which became law in 1860.[65] The laws made since 1833 are known as Acts, not Regulations.[66] In 1853 a new Commission was appointed in England which was followed by another in 1861, "for the purpose of preparing a body of substantive law for India."[67] The jurisdictions and nature of the law were greatly simplified by the passing of the Civil Procedure and the Criminal Procedure Codes, as also by the aforesaid Penal Code. It is to be noted that the process of simplification of the law has not been carried much further since then ; at the present time there is a general public opinion in favour of considerable simplification of procedure and cheapening of justice.[68]

Within a few years of the direct assumption of sovereignty by the Crown, an important change was effected in the judicial organisation of India. By the Indian High Courts Act of 1861[69] the Crown of England was empowered by Letters Patent to establish High Courts in Calcutta, Madras and Bombay, in which the Supreme Courts and the Sadar Adalat Courts were merged. Each of these High Courts was "to consist of a chief justice and not more than fifteen judges, of whom not less than one-third including the Chief Justice were to be members of the English Bar and not less than one-third were to be members of the covenanted Civil Service. All the judges were to be appointed by and to hold office during the pleasure of the Crown. The High Courts were expressly given superintendence

[65] Sir John Strachey, *India: Its Administration and Progress* (1903), p. 94.

[66] P. Mukherjee, *Constitutional Documents*, Vol. I, p. xviii.

[67] Strachey, *Op. cit.*, p. 95.

[68] *E. g.*, a Bihar Minister has created a Scholarship Fund, out of which assistance may be given to law students who can devise means for such judicial reform.

[69] Mukherjee, *Op. cit.*, Vol. I, pp. 390—96.

over and power to frame rules of practice for, all the courts subject to their appellate jurisdiction."[70] Power was given by the Act to establish subsequently another similar High Court for the North-Western Provinces, and this was done in the year 1886. The Indian High Courts Act of 1865 "empowered the Governor-General-in-Council to pass orders altering the limits of the jurisdiction of the several Chartered High Courts and enabling them to exercise their jurisdiction over native and Christian subjects of Her Majesty resident in Native States."[71] Between 1865 and 1875 a generally uniform system was established in each of the ten provinces by the Civil Courts Acts. The constitution of the Criminal Courts has been made uniform throughout the country by the regulations of the Criminal Procedure Code of 1872. The Indian High Courts Act of 1911 raised the maximum number of judges of an Indian High Court to twenty, gave power to establish new high courts from time to time as occasion may require, and to make consequential changes in the jurisdiction of the courts, and made it lawful for the Governor-General-in-Council to appoint from time to time persons to act as additional judges of any High Court for such period not exceeding two years as may be required.'[72] On the basis of the powers under this Act High Courts have been established at Patna, Lahore and Rangoon.

At present there is no Supreme Court of Judicature for the whole of India as one State, and Justice remains decentralised. Appeals from Indian High Courts go to the Court of the Privy Council in England. In the majority of the provinces, at the head of the judicial organisation is the High Court. Sindh and Oudh have their separate Judicial Commissioner's Court, though they are within the High Court provinces of Bombay and the United Provinces ; while the Central Provinces has not yet converted its Judicial Commissioner's Court into a High Court ; Assam remains under the Calcutta High Court, and Orissa when

70 Ilbert, *Historical Introduction*, p. 104.
71 *Ibid.*
72 Mukherjee, *Op. cit.*, pp. 414-15.

it becomes a separate province will still for some time remain under a neighbouring High Court. Below the High Courts, there are subordinate courts both civil and criminal, with some differences in nomenclature, but in other respects the essentials of the inferior courts in different provinces are almost the same. In each district there is a District Judge, who has control over all the courts in that district, and his court has the authority to receive appeals from all of them. Below the District Judge there are Subordinate Judges with smaller jurisdiction, and *Munsiffs* (or Subordinate Judges of the second class) stand below them. There are also what are called Small Causes Courts exercising final jurisdiction in petty cases in the Presidency towns and other places of importance, *e.g.*, at Poona, Ahmedabad, and Surat in the Bombay Presidency. There are also side by side with the Civil Courts what are known as Revenue Courts, presided over by officers charged with the duty of settling and collecting the land revenue. The Presidency towns have also insolvent debtors' courts since 1848. The Madras City Civil Court Act of 1892 established a City Civil Court having powers to deal with suits of a value not exceeding Rs. 25,000 "with strictly limited powers of amercement of property in execution of decrees."

For the administration of criminal justice, a province is divided into sessions divisions each of which is usually equal to the area of a district and has a Court of Sessions presided over by a Sessions Judge who is generally the District Judge himself exercising his criminal jurisdiction and who may be assisted by additional, joint or assistant Sessions Judges. The Sessions Courts can try all criminal cases committed to them by magisterial courts and can inflict any punishment authorised by law, subject to the confirmation of the High Courts in cases of capital sentences. Below the Sessions Courts are courts of magistrates of three classes. A first class Magistrate's Court can fine up to Rs. 1,000 and can pass a sentence of two years' rigorous imprisonment ; a second class Magistrate's Court can pass a sentence of six months' rigorous imprisonment and

of a fine up to Rs. 200, a third class Magistrate's Court can inflict a fine up to Rs. 50 and rigorous imprisonment for a month. There are Presidency Magistrates in Presidency towns and in big cities, City Magistrates to try criminal cases and to commit the more important ones to the Sessions or to the High Court. Honorary Magistrates and Justices of the Peace are also sometimes appointed in big towns.

Trial by Jury is one of the important privileges gradually secured by the people of England. In pursuance of the principles of English Law, in India also criminal cases, of certain classes and in certain areas, are tried with the help of jurors or assessors. In trials before High Courts the jury consists of nine persons, and in those before a court of Sessions, there are jurors or assessors of an uneven number prescribed by the local government, who assist and give advice but whose opinions are not binding on the judges, cases of disagreement being referred to High Court. Appeals are allowed both in civil and criminal cases, firstly, from a subordinate court to the next higher court, secondly, to a High Court, and, lastly, under certain circumstances to the Privy Council in London, not on points of fact but on points of law, with the permission of the High Court.

Racial distinction in the administration of criminal justice has been one of the most burning topics in the modern history of India. Until 1836 'European British subjects '[73] were in civil and criminal matters under the control of the Supreme Courts alone. But by Act XI of 1836, commonly known as Macaulay's Black Act, they were brought under the jurisdiction of the Company's civil courts and thus distinctions of race were

[73] The Code of Criminal Procedure defined a "European British subject" thus:—"(I) Any subject of Her Majesty born or naturalized, or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American, Australian Colonies or possessions of Her Majesty, or in the colony of New Zealand or in the colony of Cape of Good Hope or Natal; (2) Any child or grandchild of such person by legitimate descent."

abolished in the civil courts throughout India.[74] But so far as the administration of criminal justice was concerned the European British subjects could be tried only by European magistrates and judges. This was at once an injustice and a disgrace, and it was thus that the Indigo planters in spite of their oppressions on the ryots escaped from proper punishment. In 1884 Lord Ripon's Government sought to remove this discrimination by investing Indian magistrates and judges with the power of trying European British subjects. Mr. (afterwards Sir) C. P. Ilbert prepared a Bill to this effect ; but it encountered a storm of opposition from the members of the European community before which the Government had to bend. The result was a compromise which practically meant a "virtual though not avowed abandonment of the measure proposed by the Government."[75] Act III of 1884 laid down that European subjects might be tried by District Magistrates or Sessions Judges, whether European or Indian, but they could in every case, however trivial, claim to be tried by a jury of which not less than half the number shall be Europeans or Americans. As the Indians could make no such claim, the Act did not diminish "the privileges of European British subjects charged with offences, and it left their position as exceptional as before."[76] Eminent Indians like Mr. Kristo Das Pal, Syed Amir Ali, and Raja Shiva Prasad pointed out in course of their debates that this would result in nothing but a failure of justice. Sir John Strachey remarked in 1903, "It may be feared that the result of all this has been that we must leave to a distant future the hope that the Government of India will be able to place the law regarding jurisdiction over European British subjects on a satisfactory footing."[77]

74 Strachey, *Op. cit.*, pp. 108-09; Trevelyan, *Life and Letters of Macaulay*, Chap. II, pp. 287—89.

75 Strachey, *Op. cit.*, p. 103.

76 *Ibid.*

77 *Ibid.*, p. 104.

The attention of the reformed Central Legislature was drawn towards this question in 1921 and the Government of India appointed the Racial Distinctions Committee to enquire into the whole matter. The Committee recommended the removal of some of those distinctions. The Act which embodied its proposals, "with some modifications, gives all first class magistrates power to try European British subjects. All restrictions regarding the jurisdiction over them of Additional and Assistant Sessions Judges, are abolished, Indians and Europeans are placed on a footing of equality in the matter of trial by jury, and a similar measure of equality is allowed in the exercise of the right of appeal."[78] But the privilege of being tried by a European Jury may still be claimed.

The proper articulation of governmental powers through the three organs of a state, the Executive, the Legislature and the Judiciary is an essential condition for civil liberty. No fair justice is possible if the Judiciary is subject to interference from the Executive or if the executive and judicial powers are combined in the same hands. In India, however, some officers like the Collector-Magistrates of Districts or Deputy Commissioners combine the two functions; they collect the revenue, control the police, institute prosecutions, and at the same time, exercise large judicial powers. Public opinion in India as well as some British officials and high judicial authorities have raised their voice against this anomaly; its defects were ably pointed out in a memorial submitted to the Secretary of State for India in 1899 by such eminent persons as Lord Hobhouse, Sir Richard Garth, Sir Charles Sargeant and seven others. But various arguments have been advanced from the other side and no sufficient steps have yet been taken to effect this separation completely, which is indispensable for civic liberty.

In recent years the normal judicial procedure and administration has been modified to meet the exigencies of the present

[78] Kale, *Op. cit.*, p. 411.

abnormal civic life of India, characterised by passive resistance to law and by acts of political violence or terrorism ; criminal law and procedure has been amended, the Governor-General's ordinances to meet the new situation have been made into Legislative Acts, and special courts and powers have been created to deal with new and peculiar offences.

SECTION III

Police and Prison Reform

Law and order are the two most essential elements of a happy civic life. During the period of confusion in the latter half of the eighteenth century, like every other branch of administration the indigenous police system consisting of village watch and ward for the countryside[79] and Kotwalis for the large towns[80] had become paralysed. While the nominal native rulers' corrupt and inefficient executive gradually dropped its policing functions, the *zamindars*, who were the deputies of the State in the matter of maintaining order within their zamindaris, did not also discharge their responsibility ;[81] on the other hand, their pykes and bands of followers, like the retainers of the feudal barons of Europe in later Medieval periods, oppressed the people, sometimes even by joining with the robbers and marauders.[82]

For administrative as well as commercial considerations, the East India Company's officers tried to re-establish

[79] D. J. McNeile's *Report on the Village Watch in the Lower Provinces of Bengal*, Calcutta, 1866.

[80] For functions of the Kotwals, *vide* Sir J. N. Sarkar's *Mughal Administration;* we find also descriptions in Bengali Literature of mid-eighteenth century, *e.g.*, in Ramaprasad's *Vidyasundara*, pp. 27-28 (B. E.); Bharatacandra's *Annadamangala*, pp. 90—92; Jayanarayana Sena's *Harilila*, pp. 83—92.

[81] *Bengal Revenue Consultations*, 20th June, 1782.

[82] Aspinall, *Cornwallis in Bengal*, p. 107.

law and order in the land. Warren Hastings tried a new state police system consisting of the *faujdars* and *thanadars*, but it proved unsatisfactory and was abolished in 1781. Thus the police duties remained practically in the hands of the Zamindars, who " misapplied the authority confided to them as officers of police."[83] Lord Cornwallis took strong measures to reform the police system in Calcutta[84] as well as in the mofussil. He introduced a new system by the Police Regulations of 7th December, 1792, confirmed in the Code of May, 1793. The Zamindars were compelled to disband their pykes or armed constabulary, and a police force was established in each *thana* under a *daroga* or superintendent, who was to be appointed by and under the control of the District Magistrate and was to receive a commission of ten per cent on the value of all stolen property recovered by him and ten rupees from the Government on the conviction of every dacoit or gang robber.[85] The cost of maintaining the police, amounting to Rs. 3,19,440, " was to be met by a small tax on the warehouses and shops in the chief towns and markets."[86]

The system established by Cornwallis " proved to be an expensive failure,"[87] and could not ensure order and peace. When one *daroga* with fifteen to twenty constables was expected to look after an area of four hundred square miles,[88] dacoities and disorders could not be effectively dealt with, and in fact increased. The *Fifth Report* has noted that the *darogas* of the new system were " not less corrupt than the *tannahdars*, their predecessors, and they themselves and the inferior officers

83 J. C. Sinha, *Economic Annals of Bengal*, p. 202.

84 Aspinall, *Op. cit.*, p. 164.

85 *Fifth Report*, Vol. I, p. 79. It is well-known how even almost a century after this, old women in villages knew of no position of higher emoluments and power than that of the *daroga*, and their blessings took the form " child, be a *daroga*."

86 Aspinall, *Op. cit.*, p. 113.

87 *Imperial Gazetteer*, Vol. IV, p. 386.

88 *Fifth Report*, Vol. I, p. 130.

acting under them, with as much inclination to do evil, have less ability to do good than the zamindary servants employed before them."[89] An attempt was made in Bengal by Regulation XII of the year 1807 to restore the police functions of the Zamindars who were asked to act as *amins* or commissioners of police.[90] But owing to the general dissolution of the old order of things the scheme of 1807 did not meet with great success. According to the orders of the Court of Directors issued in 1814, the establishment of *darogas* and their subordinates was abolished in all other possessions of the Company (Madras, 1816 ; Bombay, 1827) except in Bengal, and there the decayed indigenous system of the village watchmen was suffered to continue.

In 1808 a Superintendent of Police with criminal jurisdiction was appointed for Calcutta, his jurisdiction, up to 1829, extending over a large part of the surrounding country. He was to work with *goyendas* or spies who were to trace out the criminals and *girdawars* or overseers who were to apprehend them. This measure had some early success but soon the *goyendas* in concert with the *girdawars* actually committed "depredations on the peaceable inhabitants, of the same nature as those practised by the dacoits whom they were employed to suppress."[91] The spirit of lawlessness had continued to be fed for several decades by unemployment and the inefficiency and corruption of the custodians of order went on increasing. The principal defects of the existing system were that the police force was "imperfectly organised," and the Magistrate-Collector, who was also the head of the Police became overburdened with duties. Though Committees were appointed to make enquiries yet no definite steps were taken for many years. It was first in the Presidency towns that the duties of the Magistrate and the Police Superintendent were

89 *Ibid.*

90 *Ibid.*, p. 131.

91 *Ibid.*, p. 139

separated. In the countryside, Sir Charles Napier in 1843 made an attempt at improvement in Sindh, by drawing up a plan on the model of the Irish Constabulary, the "main characteristics of which were separate organisation, severance of police and judicial functions and a reasonable degree of discipline. This system was copied in Bombay in 1855, in the Punjab after the Mutiny, and in Madras in 1859.

In 1860 the Government of India appointed a Commission to enquire into the whole subject of police administration ; it recommended the "establishment of a well-organised and purely civil constabulary, supervised by European officers, and capable of carrying out all ordinary civil duties, including the provision of guards and escorts. The village police should be retained on their existing footing, being brought, however, into direct relationship with the General Constabulary."[92] These recommendations were embodied in the Police Act of 1861. The provisions of this Act were followed in organising the Police system in different parts of India excepting Bombay, where under the local District Police Act, the District Superintendent and his staff were placed under the control of the District Magistrate. Besides this general organisation there had also grown a special department for the suppression of *Thugee* (1830), which was also entrusted with the function of suppressing dacoity in 1839. This branch was abolished in 1904, when under the recommendation of the Police Commission of 1902, a new branch known as the Criminal Investigation Department (C. I. D.) was started. For many years the officers in the Indian Police Service were recruited from the commissioned ranks of the Native Army, and were afterwards appointed by nomination alone. The system of appointment by open competition was introduced in England and in India in 1893.

But in spite of all these, the police system remained honeycombed with abuses, chiefly because the responsibility for law and order was entrusted to rather untrained and uneducated,

[92] *Imperial Gazetteer*, Vol. IV, p. 388.

and consequently irresponsible, people and officers, who "have been allowed from various causes to get out of acquaintance and sympathy with the people and out of touch even with their subordinates." The Government of India, with the approval of the Secretary of State, appointed a Commission in 1902 to enquire into the state of police administration. The recommendations of the Commission covered different branches of the subject, and many of these have been given effect to in almost all the provinces, resulting in the improvement of pay and prospects of the police officers and in the growth of their numbers. But the system requires more wholesome reforms: to make it more efficient and conducive to the real interests of the people, the officers and their subordinates should be better trained and more educated ; with inefficiency and illiteracy the police force "is naturally subjected to a great handicap in the discharge of its duties."[93] The controlling system should be also more Indianised in order to create a spirit of trust and cooperation between the public and the police. "The straight road," remarks Mr. Rushbrook-Williams, "towards winning an increased measure of public appreciation would seem to lie in so raising the morale and the intelligence of the force that its members may be trusted in all circumstances to use their authority with discretion."[94] In recent years there has been a growth of literacy among the police constables, largely owing to unemployment among semi-educated middle classes. "Between 1920 and 1928 the percentage of literate constables rose from 27 to 48 per cent, and in 1929, for the first time in history, more than half the constables,—indeed as many as 57 per cent, were literate."[95]

Under the existing police organisation in India the administrative head of the police in each province is the Inspector-General, who has under him a number of Deputy Inspector-

93 *India in 1924-25*, p. 87.

94 *Ibid.*, p. 92.

95 *India in 1929-30*, p. 388.

Generals, one for each division or circle. Each district police force is under a Superintendent of Police, who is a member of the Indian Police Service. Every district is divided into several charges or *thanas*, each under an Inspector of Police, assisted by Sub-Inspectors and Constables. The institution of the village watchmen has survived almost everywhere throughout India.

JAILS

"The early Indian jail system was, like its English prototype, insanitary, demoralising and non-deterrent."[96] The earliest attempt towards reform was inaugurated at the instigation of Lord Macaulay during the years 1836—38 ; the Report of the First Prisons Commission submitted to the Government of India in 1838 did not recommend any very advanced methods. The two other Commissions of 1864 and 1867 were both infructuous. In 1889 the Government of India appointed a Committee consisting of two officers whose report dealt with prison administration in all aspects. Its work was supplemented by a conference of experts on the subject of prison reform in 1892. A General Prisons Act was then passed in 1894 for British India, and rules were issued under it by the Government of India and the Local Governments, according to which the jail administration in India has since been regulated.

The punishments authorised by the Indian Penal Code for convicted offenders include transportation, penal servitude, rigorous imprisonment and simple imprisonment. Civil and under-trial prisoners are also accommodated in jails. The jails are of three kinds : (1) Central, (2) District, and (3) Subsidiary. In each province the jail department is under the control of an Inspector-General of Prisons, who is generally a member of the Indian Medical Service, and the Central Jails are under Superintendents, also drawn from the same ranks and assisted by deputy superintendents in large Central jails and by

96 *Imperial Gazetteer*, Vol. IV, p. 398.

subordinate medical officers. District jails remain under the charge of the district civil surgeons. The executive officers are jailors, deputy and assistant jailors, and warders. The reformatory schools for juvenile convicts have been administered since 1899 by the Education Department.

Since the introduction of the Reforms, the "maintenance of the Indian Prisons falls within the sphere of provincial governments. It is, however, subject to all-India legislation." The advisability of having general principles governing the treatment of criminals led to the appointment of a Jails Committee in 1919. Besides other recommendations, this Committee laid stress upon the "reformative side of the prison work"; it emphasised the "necessity of improving and increasing existing jail accommodation; of recruiting a better class of warders; of providing education for prisoners; and of developing prison industries so as to meet the needs of the consuming Department of Government."[97] Attempts have been made to give effect to these recommendations in the different provinces; but these have been greatly hampered by financial stringency. According to the Committee's recommendation, the abandonment of Port Blair as a penal settlement has been considered by the Government of India since 1921. It was finally decided in 1926 that "henceforth only those convicts should normally be sent to the Andamans who volunteered to come, that the old restrictions on life in the settlement should be sensibly relaxed, that the convicts should be encouraged to settle on the land, that in certain conditions they should be entitled to release, to obtain occupancy rights over the land which they had cultivated, and that the importation of wives and families should be encouraged."

97 *India in 1924-25*, p. 101.

SECTION IV

Division, District and Village Administration

A district is the principal unit of administration in British India. Though there are differences in the details of district organisation,[98] the general principles on which the administrative system is based are much the same everywhere. There are some 271 districts in British India ; each has its separate organisation and is divided into smaller units called subdivisions. The average area of a district is 4,430 square miles and the average population about 9,00,000 ; but in actual districts the area varies from two to ten thousand square miles and the population from one to three millions.

Each district is placed in charge of an officer called Collector-Magistrate or simply Collector, or Deputy Commissioner in Non-Regulation areas. As his title implies, this officer has twofold functions. As a Collector he is the principal revenue officer of the district and as a Magistrate he supervises the criminal courts (also civil courts in some non-regulated areas) and the police work, and also maintains peace and order in the district area. As a first class Magistrate he can inflict two years' imprisonment and fine up to 1,000 rupees. The Collectorate organisation is " so close knit, so well established, and so thoroughly understood that it simultaneously discharges an immense number of other duties with ease and efficiency. Registration, alteration and partition of holdings, management of indebted estates, loans to agriculturists, settlement of disputes, and above all famine relief, are all matters which are dealt with by this agency." An Indian Collector, remarks Sir William Hunter, " is a strongly individualised worker in every department of rural well-being, with a large

[98] For details about administration of the different districts, *vide Cambridge History,* Vol. VI : (Bengal), Chaps. II and XIII (Bombay), Chaps. IV and XIV (Madras), Chaps. III and XV (U. P., and C. P., and the Punjab), Chaps. V and XVI.

measure of local independence and of individual initiative."[99] The efficiency of administration in a district depends much on the strength of his personality. Sir W. Hunter says that he is "the representative of a paternal and not a constitutional government.[100] Police, Jails, education, municipalities, roads, sanitation, dispensaries, the local taxation, and the imperial revenues of his district are to him matters of daily concern. He is expected to make himself acquainted with every phase of the social life of the natives, and with each natural aspect of the country. He should be a lawyer, an accountant, and financier, and a ready writer of state papers. He ought also to possess no mean knowledge of agriculture, political economy and engineering."[101]

The Collector-Magistrates are assisted in all this multifarious work by members of the Provincial Executive Service (senior and junior branches) who have to possess and develop similar qualifications ; these officers train up the fresh recruits to the I.C.S., who in time become their superior controlling officers ; the success of a district administration depends as much on the personality of the I.C.S. district officer as upon the service and assistance he can get from these able and hard-worked officers. In recent times many of them have themselves been selected to manage districts and even divisions. The functions of the officers in charge of subdivisions of the districts vary in different provinces. "Except in Bengal (and Assam and B. & O.), there are smaller sub-district units styled taluks and tahsils administered by Tahsildars, or Mamlatdars

[99] Sir W. Hunter, *The Indian Empire*, p. 513.

[100] Since the Reforms the character of the district administration is slowly being changed from the paternal to the constitutional type, with, however, some necessary loss of efficiency during the transition. The District Officer nowadays acts more or less in accordance with the advice and opinion of various public bodies in certain affairs, and some of his functions are now made over to public bodies.

[101] *Ibid.*, Compare a similar description in *M. C. Report*, para 123.

as they are called in Bombay proper, and Muktyarkars in Sindh."[102]

A Collector's headquarters is stationed ordinarily in the chief town of the district, where various other specialised departments, such as, the establishments for irrigation, roads, and buildings, agriculture, industries, factories, cooperative credit and medical relief also function. These are "controlled not by the district officer but by their own departmental heads; they may be regarded as a different set of strings connecting the Government with the people. But in varying degrees the district officer influences the policy in all these matters, and he is always there in the background to lend his support, or if need be, to mediate between a specialised service and the people."[103] Till recently he used to preside over the District Boards, and thus administer matters like rural education, dispensaries, sanitation, country roads, bridges, water-supply, drainage, tree-planting, veterinary work, pounds, fairs, ferries, *sarais* and the like. In short, even after the Reforms of 1919, "on every one of the innumerable matters which may require the orders, assistance, advice or interference of Government, it is to the District Officer that the non-official President or member of a local body, the Commissioner or Minister, as well as the ordinary citizen, will look."[104]

At the bottom of the system of district administration lies the Indian village,—an old institution, which has in a way survived the changes of many centuries in many parts of the country, and is now being adjusted to the changed conditions of these times. Mr. Elphinstone in his "Report on the territories conquered from the Peshwa" submitted to the Governor-General in 1819 stated that the most striking feature of the Deccan was its division into villages or townships and that these communities contained "in miniature all the materials

102 Kale, *Op. cit.*, p. 259.

103 *M. C. Report*, para 123.

104 *Report of the Indian Statutory Commission*, Vol. I, p. 298.

of a state within themselves." Referring to the village communities in 1830, Sir Charles (afterwards Lord) Metcalfe wrote: "They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution; Hindu, Pathan, Mughal, Maratha, Sikh, English, are all masters in turn; but the village communities remain the same. . . . This union of the village communities each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered, and in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence."[105] Whenever there has been a period of political flux and transition, involving successive collapses and struggles of states in India, the protective mechanism of the village community has become prominent (negatively) giving some stability to society, to civil and economic life.

The chief functionaries for village administration have traditionally been the headman, the accountant, the watchman (Chaukidar). The village headman occupies the most important position in Madras, Bombay and Burma. "In the first province, besides being responsible for the collection of revenue and its remittance to the *taluk* treasury, he can as village magistrate try petty cases, and must maintain law and order in his village, applying for assistance to higher authorities if necessary, and reporting to them the occurrence of crimes and the movement of criminal gangs, while as Village Munsiff he acts as a petty civil court."[106] In Bombay, the *patel* or headman has similar duties to perform, while in the Punjab and the United Provinces the *lambardars* or representatives of the landlords of the village have to report about crimes. Village watchmen entrusted with duties by Government do not exist in Bengal. In Assam, meetings of householders called *mels* elect

105 Elphinstone, *History of India*, Book II, Chap. 2.

106 *Imperial Gazetteer*, Vol. IV, p. 281.

headmen, who being recognised by the Government are expected to help the police but are not charged with the work of revenue collection. In the Central Provinces the *muqaddams* or headmen are elected representatives of the landlords. The village watchmen or *chaukidars* are also expected to discharge useful functions in protecting the villagers from theft, robbery, etc., and their importance has been all along recognised. Lord Hastings in 1815 described them as "the foundation of all possible police in the country,"[107] and the Police Commission of 1902-03 also emphasised the necessity and importance of the village watch in the village system. A village accountant keeps village accounts and records of land revenue, in those parts of India where the village headman still has some revenue functions.

In all Major provinces except Madras there are Commissioners in charge of Divisions, which are usually groups of four to eight districts. A commissioner of a division has 'specific statutory powers' of his own, has the general superintendence over it and acts in it as a court of appeal in revenue cases. Since the time of late Mr. Gokhale there has been a persistent demand for the abolition of Commissionerships as "an unnecessary link in the administrative change." But the Indian Statutory Commission has cautiously remarked that "his (Divisional Commissioner's) elimination would involve the provincial governments not only in the loss of expert advice, but in the necessity of direct communication with a large number of heads of districts and in interference in matters which at present need not come to headquarters at all."[108] The question of financial stability makes this a point for serious consideration. In all the provinces except Bombay, there exists between the Commissioner and the Provincial Government a Board of Revenue or its equivalent a 'Financial Commissioner.' "In all their administrative capacity," remarked

107 Matthai, *Village Government in British India*, p. 141.

108 *Report*, Vol. I, p. 282.

the Montagu-Chelmsford Report, " these constitute the chief revenue authority of the province, and relieve the provincial government of much detailed work which would otherwise come to it ; while in their judicial capacity they form an appellate court for the increasing volume of revenue and often rent suits."[109] But recently " the approach to responsible government has naturally led to the transfer to the provincial governments of some of the independent powers with which Boards of Revenue were endowed."[110]

SECTION V

Public Services

During the early days of the East India Company, merchants, factors and writers of the Company discharged commercial as well as administrative duties ; but they were hopelessly corrupt and inefficient. It was Lord Cornwallis who for the first time tried to organise the different branches of public service, and the Company's Charter Act of 1793 provided that " all vacancies happening in any of the offices, places or employments in the civil line of the Company's service in India should, subject to certain specified restrictions, be filled from among the Company's civil servants." The civil servants were required to sign a covenant not to carry on private trade, and not to receive presents ; provision was made for paying them liberal salaries, and to reserve for them the superior grades and offices. In 1800 Wellesley founded the Fort William College in Calcutta for instructing the young civil servants in literature, science and oriental languages ; this institution survived as a language school for Bengal civil servants till 1854. In 1806 the Company established an " East India College " at Haileybury[111] for imparting two years' training

109 Para 122.

110 *Report of the Indian Statutory Commission*, Vol. I, p. 283.

111 This college was closed on 31st January, 1858.

to young officers nominated for service in the East. Up to the year 1853 appointments were made by the Court of Directors. In the Charter Act of that year, Sir Charles Wood, President of the Board of Control, proposed the introduction of the principle of open competition as a "great experiment which would justify itself by securing intellectual superiority while affording as good a chance as then existed of obtaining in successful candidates those qualities which no examination can test."[112] Being strongly supported by Macaulay, this proposal of Sir Charles Wood received the sanction of the Parliament ; it was reaffirmed after the formal transference of the Government from the Company to the Crown, and by Section 32 of the Government of India Act of 1858 the Secretary of State in Council received the power of making appointments to the Indian Civil Service with the advice and help of Her Majesty's Civil Service Commissioners.

In spite of the introduction of the principle of open competition, the Indians remained handicapped by various disadvantages and the British competitors greatly outnumbered them. In 1869 three Bengalis, Sir Surendranath Banerjee, Mr. Ramesh Chandra Dutt, and Mr. Biharilal Gupta became successful[113]; but in 1870 out of seven Indian competitors only one was successful. Section 6 of the Government of India Act of 1870, however, provided for the appointment of a native of India to "offices, places and employments in the covenanted civil service, . . . although such a native should not have been admitted to the Civil Service in the manner already prescribed by law." But the rules for giving effect to this Act were not passed till nine years later, when in a resolution, dated 24th December, 1879, the Government of India declared that appointments under the rules would be limited to "youngmen of good family and social position, possessed of fair abilities and education, to whom the offices which were

112 Quoted in *Cambridge History*, Vol. VI, p. 358.

113 Banerjee, *A Nation in the Making*, p. 10.

open to them in the uncovenanted service had not proved sufficient inducement to come forward for employment." It was also laid down that one-sixth of the posts reserved for the members of the Covenanted Civil Service should be filled by Indians through nominations by the Local Governments subject to the sanction of the Government of India and the Secretary of State. Thus came into existence what was called the 'Statutory Civil Service.' But this system did not produce satisfactory results; during the seven years after its introduction sixty appointments were made under it. In the face of persistent agitation in the country for greater Indianisation of the services and the demand made by the first Indian National Congress meeting at Bombay, in December 1885, for holding simultaneous examinations in India and England, the whole question was reconsidered by Lord Dufferin's Government. The scheme of 1879 was given up in favour of one brought forward by the Public Service Commission which sat in 1886-87 under the presidency of Sir Charles Aitchison, the then Lieutenant-Governor of the Punjab. Under the recommendations of this Commission the general Civil Service was divided into three classes: (1) the Indian Civil Service, recruited in England, (2) the Provincial Civil Service, and (3) the Subordinate Service; the two latter being recruited from among the Indians according to the rules framed by the Provincial Governments and approved by the Government of India, either by nomination or examination.

Owing to the growth of complexity in administration, new services had by this time gradually developed to manage the numerous specialised departments, such as those of the Public Works, Survey of India, Agriculture, Posts and Telegraphs, Education, Police, Salt, Public Health, Jails and Civil Hospitals. These services were also divided on the analogy of the Civil Services, into three grades, Imperial, Provincial and Subordinate.

The reforms recommended by the Aitchison Commission failed, however, to satisfy the aspirations of the politically-

minded and educated Indians. "The inferiority of status and social position which had always been attached to the provincial services aggravated to some extent by subsequent changes, had been felt by the Indian public as a real grievance, particularly in the case of the more important services such as the civil, education and public works."[114] The resolution of the House of Commons for the holding of simultaneous examinations in England and India for admission to the Indian Civil Service, passed on 2nd June, 1893, was not given effect to, and the agitation of the Indians for a greater share in the public services came to a head in a debate introduced by a non-official member on 17th March, 1911, in the Imperial Legislative Council. Lord Hardinge's government thereupon secured the appointment of a Royal Commission on Public Services under the presidency of Lord Islington, on 5th September, 1912. The British members of the Commission were Mr. Ramsay MacDonald, Lord Ronaldshay and Sir Valentine Chirol ; the Indian members were Mr. Gokhale and Mr. Justice (afterwards Sir) Abdur Rahim. The report of the Commission was ready in 1915 but its publication was deferred because of the Great War till 1917 when it "was criticised as wholly disappointing." "In view of the altered circumstances," the framers of the Reform Scheme of 1919, Mr. Montagu and Lord Chelmsford, thought it necessary to proceed in the direction of Indianisation of the Services far beyond the proposals of the Islington Commission. They were convinced "that recruitment of a largely increased proportion of Indians should be begun at once. The personnel of a service cannot be altered in a day: it must be a long and steady process ; if, therefore, the services are to be substantially Indian in personnel by the time that India is ripe for responsible government, no time should be lost in increasing the proportion of Indian recruits."[115] In order to give effect to this policy, they definitely recommended

[114] *Cambridge History*, Vol. VI, p. 368.

[115] *M. C. Report*, para 313.

that (1) all racial distinctions in the matter of appointments should be removed, (2) that " for all the public services, for which there is recruitment in England open to Europeans and Indians alike, there must be a system of appointment in India," (3) that " 33 per cent of the superior posts should be recruited for in India, and that this percentage should be increased by 1½ per cent annually " until the situation is again revised by a Commission, (4) that improvements in the rates of pay and incremental time scale and greater elasticity in leave and pension rules should be effected, and lastly (5) that " any public servant whatever the Government under which he is employed shall be properly supported and protected in the legitimate exercise of his functions ; and that any rights and privileges guaranteed or implied in the conditions of his appointment shall be secured to him. No changes that will occur can be allowed to impair the power of the Government of India or of the Governor-in-Council to secure these essential requirements." The authors of the Reform Scheme, however, believed that " to make the Indian people self-governing " the " continued presence of the English official is vital."

The Government of India Act of 1919 considered separately the question of the Civil Services in India. According to Section 96D of it, " subject to the provisions made by statute or statutory rule, any person in the Civil Service of the Crown in India is declared to hold office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty. But he may not be dismissed by any authority subordinate to that by which he was appointed, and may, if dismissed, be reinstated by the Secretary of State in Council. If a person appointed by the Secretary of State in Council thinks himself wronged by an order of an officer superior to him in a Governor's province, he has a statutory right to complain to the Governor, who is directed to examine the complaint and require such action to be taken therein as may appear to him to be just and equitable. By the same section the Secretary of State in

Council is empowered to make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct."[116]

The principle of progressive Indianisation caused dissatisfaction among the vested interests in the services ; on some occasions frictions naturally arose between the Indian ministers on the one hand and the officers of the All-India Services working in the transferred departments. According to the recommendations of the Joint Select Committee on the Government of India Bill, the Secretary of State in Council introduced a scheme under which All-India officers, selected for appointment before 1st January, 1920, and holding no permanent appointment under the Government of India, were permitted to retire on a pension proportionate to the length of their service before completing the usual normal period.

These difficulties led to the appointment, in June 1923, of the Royal Commission on the Superior Civil Services in India under the chairmanship of Lord Lee of Fareham, in the teeth of a violent opposition from the Legislative Assembly. The Lee Commission made detailed recommendations in 1924, most of which have since been put into force. As contemplated in the Government of India Act, 1919, the Commission recommended the immediate establishment of a Public Service Commission in India consisting of five members for regulating and exercising disciplinary control over the services. It was provided that the Secretary of State in Council should continue to appoint and control the All-India officers operating in the reserved part of the provincial administrations (the Indian Civil Service, the Indian Police Service, the Irrigation Branch of the Indian Service of Engineers and the Indian Forest Service outside Bombay and Burma), while as regards services like the Indian Educational, Agricultural, Veterinary, Forest, and Engineering (Roads and Buildings Branch), the control of the

[116] Ilbert, *Historical Introduction*, p. 139.

Ministers "should be made more complete by closing the recruitment for them on an All-India basis." But about the Indian Medical Service, which falls with the field transferred to the Ministers, the Commission, for special reasons, recommended that every province should appoint in its civil medical department a certain number of officers lent from the medical department of the Army in India. It fixed the rate of Indianisation of services and made several important recommendations regulating leave, pensions, and other privileges and providing safeguards for an official career in India. The Indian Statutory Commission has recommended that the "security services (i.e., the Indian Civil Service and the Indian Police Service) should continue to be recruited upon an All-India basis by the Secretary of State who should have power. . . . to require provincial governments to employ these services in such numbers and in such appointments as he thinks necessary. . . . The quota of All-India Officers would vary according to the circumstances of each province and might eventually disappear." But the Commission thought that the present numbers should not be "changed materially for some time to come, and the rights and prospects of officers now in the services should be carefully safeguarded."[117] It has endorsed that opinion of the Lee Commission that "special additions to the standard pensions should be given to officers who have borne the heavy strain of Governorship,"[118] and has also recognised the value of Central Public Service Commission and Provincial Service Commissions.[119] It has further suggested that in the recruitment for all the central services, some special consideration should be shown to the Anglo-Indians The White Paper's recommendations are much on the same lines. According to clause 187 of it "the existing rule-making powers of the Secretary of State in Council will continue to be exercised by

[117] Vol. II, p. 288.

[118] *Ibid.*, p. 293.

[119] Public Service Commission Act was passed in 1929.

the Secretary of State in respect of persons appointed by the Secretary of State in Council or to be appointed by the Secretary of State until His Majesty by Order in Council made on an Address of both Houses of Parliament designates another authority for the purpose"; clause 190 says that "the Federal and Provincial Governments respectively will appoint and. . . . determine the conditions of service of all persons in the Federal and Provincial Services other than persons appointed by the Crown, by the Secretary of State in Council, or by the Secretary of State"; and clause 195 provides that "there will be a Federal Public Service Commission and a Provincial Public Service Commission for each province; but by agreement the same Provincial Commission will be enabled to serve two or more provinces jointly."

SECTION VI

Growth of Indian Army and Army Administration

During the first half of the seventeenth century the East India Company employed guards for the protection of its factories, but as time went on "their military character became slightly more marked."[120] However, the first establishment of the Company's Indian Army may be accurately dated from the year 1748, when Major Stringer Lawrence, 'father of the (British) Indian army,' organised a body of Sepoys at Madras after the example set by the French Governors, Martin and Dumas.

The gradual extension of the East India Company's possessions in India and the numerous political complications of the time led to the development of an army consisting of Indian recruits, European recruits and Royal regiments,—the 39th Foot being the first to arrive at Madras in 1754 A.D., so that in the year 1794 in the three Presidencies of Bengal, Madras

[120] *Imperial Gazetteer*, Vol. IV, p. 326.

and Bombay, 'the total strength of the Indian armies, including (British) royal troops, was 70,000 of which 13,500 were Europeans.'[121] The nucleus of the European army in India lay in detachments of soldiers coming from England and being reinforced by European 'mercenaries, deserters and prisoners of war from other foreign settlements and sailors from the Company's ships.'[122] The Indian section of the Army consisted of Pathan, Rohilla, Rajput, Arab and Abyssinian adventurers. The Madras and Bombay armies were recruited locally and the Bengal Presidency was supplied with soldiers from Oudh and the country between the Ganges and the Gogra in Behar.[123] The three Presidency armies were under three separate Commanders-in-Chief. In course of time, though the Madras and the Bombay armies remained under the management of their local Governments, the Bengal Army became the army of the Central Government and the Commander-in-Chief of the Bengal Army became the head of the military establishments in British India.

Though often manifesting courage and military skill, the general discipline and morale of the Indian army remained for a long time utterly deplorable in spite of Lord Clive's reforms in 1765[124] and the reorganisations of 1796 and 1824.[125] Referring to the condition at the end of the eighteenth century, Mr. Chesney has justly remarked that "in all matters connected with pay, equipment and the audit of accounts the army administration partook of the general laxity and disorder which up to that time had pervaded every branch of the

121 Chesney, *Indian Polity*, Second edition, p. 286.

122 *Imperial Gazetteer*, Vol. IV, p. 327.

123 *Baksariyas*, who served as matchlockmen during the Mughal period and also in the native regiments of the East India Company. Many of them served the Bengal Zamindars during the eighteenth century as *sawars* as we know from a reference in the '*Annadamangala*' of the contemporary Bengali poet Bhāratacandra.

124 For details on this point reference may be made to Captain Arthur Broome's *Rise and Progress of the Bengal Army*, Vol. I, pp. 533—622.

125 *Imperial Gazetteer*, Vol. IV, pp. 333—42.

Company's Government in India, the major part of the officers' emoluments being derived from irregular perquisites, while, as to the supposed superior morale and discipline of the early Company's army, the history of those days records a succession of mutinies, in which the black and white troops were alternately employed to coerce each other."[126]

With the further expansion of the East India Company's dominions a force of eighteen regiments termed the 'irregular infantry' was attached to the Bengal Army, and local corps were raised in the different regions (*e.g.*, 'the Punjab Irregular Force' on annexation of the Punjab in 1849; one raised after the annexation of Nagpur in 1854; and the 'Oudh Irregular Force' after the annexation of Oudh, 1856). Besides these many of the Native States, in accordance with treaties, maintained contingents which were practically at the disposal of the British Government (e.g., the Hyderabad Contingent).

Various causes combined gradually to impair more and more the efficiency and discipline of the army. "The best British officers were allured from regimental duty by the prospect of political employ and, in consequence of the centralisation of military authority, commandants were deprived of powers which they had exercised in the days of Malcolm."[127] There was also growing up a glaring disproportion between the numbers of the European and the Indian troops. "These evils," writes Mr. Chesney, "had existed for many years, and were perceived and fruitlessly deplored by all who thought about the matters. They reached a culminating point during the administration of Sir Charles Napier, after which there remained the mere appearance of regimental discipline throughout the Bengal army."[128]

The Mutiny of 1857—59, which clearly revealed the defects of the system, was followed by a reorganisation of it.

[126] *Op. cit.*, p. 282.

[127] *Cambridge History*, Vol. VI, p. 171.

[128] *Op. cit.*, pp. 294-95.

The Company's European troops then numbering above 15,000 were transferred to the service of the Crown and they "became liable to serve wherever ordered." These local European troops strongly protested against this order, and their action was at that time aptly called the 'White Mutiny'; "much discontent, a good deal of open insubordination, and even more covert disaffection, were manifested, and 1,000 men took their discharge."[129] The native armies were reorganised and the British element was increased, so that in the year 1864 in the aggregate strength of 205,000 men, 65,000 were British. A Royal Commission, appointed to consider the question of Army reorganisation, recommended that "native regiments should be formed by a general mixture of all classes and castes"[130]; but this salutary and progressive suggestion was not adopted, and the native army remained a loose heterogeneous body. It was arranged in 1861 that the British officers in the native regiments should be regarded as holding a 'staff' appointment and should draw allowances as well as pay of rank. They were henceforth "graded in a Staff Corps, recruited from the Company's and the Queen's services."[131] During the mutiny and the few years after it many changes occurred in dress, equipment and armament, in common with the changing British army organisation in Europe after the Crimean War.

The fear of Russian advance in Central Asia and the troubles in Afghanistan brought the question of army reform to the forefront. The Afghan War of 1878—80 "involving the employment of a considerable army and a strain upon the military resources, was fruitful of lessons in every branch of the art of war and of army organisation."[132] It revealed many defects, and several reforms were carried out according to the Army Organisation Commission of 1879. Then, the Panjdeh

129 *Imperial Gazetteer,* Vol. IV, p. 342.

130 *Ibid.*

131 *Cambridge History,* Vol. VI, p. 396; *Imperial Gazetteer,* Vol. IV, pp. 344—46; Chesney, *Op. cit.,* pp. 299—338.

132 *Imperial Gazetteer,* Vol. IV, p. 347.

crisis, the troubles in the North-West-Frontier and the third Burmese War created grave anxieties for the Government of India and led to the increase in the number of both British and native troops bringing the strength of the former to 73,500 and of the latter to 154,000.

The pressure of external dangers henceforward made the British Government particularly careful about army organisation and efficiency. The composition of the army was considerably modified ; since 1873 the more warlike races of the outer circle, like the Gurkhas, the Pathans and the Sikhs took the place of the old interior Hindustanis and Southerners. After the third Burmese War eight Madras regiments were converted into Burma regiments being recruited from the more warlike races of North-West India and stationed permanently in Burma. Recruitment of Telingas was stopped in 1895 ; and between 1902 and 1904 two of the Madras regiments were converted into battalions of Moplahs, one into a Gurkha corps, and nine into battalions of the *Panjabis*.'[133] Various reforms were also introduced for improving the organisation, the most important ones of which may be mentioned here. In 1891 the Staff Corps of the three Presidencies were amalgamated into the Indian Staff Corps, which was renamed the Indian Army in 1903. By an Act of the year 1893, which came into force since April 1895, the offices of the Commander-in-Chief in Madras and Bombay were abolished and the control of the local governments there over the two armies was withdrawn. In 1895 the old presidency armies were organised into four territorial commands, each under a lieutenant-general. This measure removed, no doubt, the anachronism of the absence of the Commander-in-Chief's direct control over great bodies of troops in India and dissolved the Bengal Army, which "had become unwieldy for a single command and was in danger of becoming homogeneous,"[134] but it "still left the organisation in time of

133 *Cambridge History*, Vol. VI, p. 399.

134 *Imperial Gazetteer*, Vol. IV, p. 353.

peace unrelated to the organization in time of war."[135] A further reorganisation took place under Lord Kitchener when the Indian troops were formed into three army corps, northern, western, eastern (corresponding to the Punjab, Bombay and Bengal commands) and ten divisional commands including Burma. But the command system was abolished in 1907 and India was divided into spheres of two Armies—the Northern and Southern. The Great War revealed the defects of this system and a radical reorganisation of the army took place after the War was over. The whole of India was divided into fourteen districts grouped into four commands, each district containing a certain number of brigade commands.

Lord Curzon's viceroyalty witnessed many reforms in "armament, equipment, mobilisation and defences." An important change also took place in the sphere of army administration. Since 1861 the Military Member of the Viceroy's Council was the officer through whom the supreme control of the Government of India over the troops was exercised. He was an officer of the British or Indian Army, presided over the Military Department, and "was the constitutional adviser of the Viceroy on questions relating to the Army."[136] But the Commander-in-Chief, who was "responsible for promotion and discipline, and for all movements of troops, was appointed as an Extraordinary Member of Council and occupied a rank next to that of the Viceroy and thus superior to that of the Military Member." Under this somewhat anomalous system, the works of the Military Secretariat and the Army Headquarters often collided ; and besides that the Commander-in-Chief had to bring his proposals and schemes to the notice of the Viceroy in Council through the Military Member, an officer of lower rank than him. Lord Kitchener, after his arrival in India as the Commander-in-Chief in November 1902, strongly attacked this "system as a military solecism.

135 Dodwell, *Sketch of the History of India*, p. 95.

136 Sir Thomas Raleigh, *Lord Curzon in India*, Introduction, xlix.

involving, moreover, great expense and delay."[137] But Lord Curzon being supported by the ordinary members of his Council refused to accept it on the ground that the "tendency of the scheme was to concentrate military authority in the hands of the Commander-in-Chief, and to subvert the supremacy of the civil power by depriving it of independent military advice,"[138] and that it would produce too much centralization and would overburden the Commander-in-Chief with too many duties. The Secretary of State made an amendment by which certain branches of Army administration, such as the supply and storage of provisions, clothing, ordnance, medical stores and horses, together with matters connected with important army contracts, were made over to the Department of Military supply especially constituted for the purpose and placed under the control of a military officer who was to be an ordinary member of Council. Lord Curzon agreed to this but the appointment of the officer created difficulties which led him to tender resignation in August, 1905 ; he left India in the following November.

During the last Great War Indian troops of all classes rendered valuable services. In 1914 an Indian army corps fought in France in the midst of a severe winter ; Indian troops fought in Flanders, in East Africa, in Turkey, on the Egyptian frontier, in Palestine, in Mesopotamia and preserved peace in Southern Persia. During the war over 680,000 combatants and 400,000 non-combatants were raised by the Government of India on a voluntary basis, more than 1,215,000 officers and men served overseas and the Indian casualties amounted to 101,000.

There are two main categories of officers in the Indian Army, holding the King's Commission and the Viceroy's Commission respectively. Since 1918 the Indians have been eligible to hold the King's Commission in the army and they can

[137] Dodwell, *Op. cit.*, p. 97.

[138] Raleigh, *Op. cit.*, 1.

enter in it in three ways—(1) by qualifying themselves as cadets in the Royal Military College, Sandhurst, or the Royal Military Academy, Woolwich, (2) by the selection of capable Indian officers or promotion of non-commissioned officers of regiments from the ranks, and (3) by the grant of honorary King's Commissions to "officers whose age or lack of education preclude them from holding the full commission in the ordinary sense."[139] Until 1931 three vacancies at Woolwich and ten at Sandhurst were reserved annually for Indian cadets.[140] To enable the Indians to obtain a preliminary training for admission into the Royal Military College, Sandhurst, or the Royal Military Academy, Woolwich, the Government of India established the Prince of Wales Royal Indian Military College at Dehra Dun, which has a normal course of six years' education and has accommodation for a maximum of seventy students at any one time.[141] Besides these, the Government of India, at the suggestion of Lord Rawlinson, the Commander-in-Chief in India, decided in February, 1923, for the Indianisation of eight units of the Indian Army ; a further step in this direction is marked by the announcement of 1932 for Indianising a Division of all Arms and a Cavalry Brigade.[142] In the month of October, 1932, was opened the Indian Military Academy at Dehra Dun with the object of training officers of the Indian Army of the future.[143]

The defence forces of India consist of the Regular Army which includes units from the British Army, the Auxiliary Force recruited solely from Europeans and Anglo-Indians, the Territorial Force composed purely of Indians and consisting various provincial units, the University Training Corps and the Medical Branch, the Royal Air Force and the Royal Indian Marine,—all under the authority of His Excellency the

139 *India in 1924-25*, p. 24.

140 *The Indian Year Book, 1933*, p. 265.

141 *Ibid.*

142 For further details vide, *Indian Recorder*, July-September, 1932, p. 458.

143 *Ibid.*

Commander-in-Chief who is also the Army Member of the Central Executive Council. Besides these, there are forces under the Rulers of the Indian States the actual strength of which on 1st October, 1832, amounted to 41,974. The Indian Air Force came into existence on 8th October, 1922, when the first batch of Indian cadets, after having obtained training at Cranwell, received commission as pilot officers.

The problem of national defence has been for some time one of the most burning topics of Indian politics, and it is intimately connected with the evolution of responsible government in India. Since the inauguration of the Indian Nationalist Movement in India, there has been expressed a genuine aspiration for bringing the defence of the country in the hands of her people.[144] This has taken a more intense form in the post-war period in two concrete forms,—firstly, "for the rapid Indianisation of the commissioned ranks of the regular Army" and, secondly, for the "extension of the facilities which already exist for training Indians in the Territorial Force." There has been also an insistent complaint that the army expenditure is a heavy burden on the revenues of India and the greater portion of the revenues should be spent for 'nation-building' purposes. Of a total net revenue, collected both from Central and Provincial sources, of about 220 crores per year, no less than fifty to sixty crores of rupees are spent to bear the cost of defence.

The Montagu-Chelmsford Report after admiring the "brilliant and devoted services of the Indian Army in the various theatres of war" emphasised the "necessity of grappling with the problem." The authors of the *Nehru Report* recommended that the control over the Indian Army should be transferred to the Ministers. The Skeen Committee which was appointed in June 1921 under the presidency of Major-General (afterwards General) Sir Andrew Skeen, then chief of staff of the Army in India, and which is commonly known as the

[144] H. C. E. Zacharias, *Renascent India*, pp. 169—71.

"Indian Sandhurst Committee," recommended the abolition of the "eight units scheme" of 1923 and the establishment of an Indian 'Sandhurst' by 1933. The rejection of these recommendations by the Government of India has been "widely represented in India as a refusal to adopt a more liberal treatment of the problem of Indianisation."[145] The problem of Indian defence did not escape the attention of the Indian Statutory Commission. It has remarked that "Indian nationalists are perfectly right in attaching great importance to Army questions in India in relation to India's constitutional development. It is essential to the honour of Britain, in relation to the assurances which have been given that we are sincerely aiming at the attainment of self-government in India, that the transformation should be given a fair chance. The change is bound to be slow, and it is much more likely to come about smoothly and successfully, if the difficulties are honestly placed on both sides in a spirit of complete goodwill."[146] In the second volume of its report, the Commission has considered this "cardinal problem" of national defence from different standpoints and has stated two propositions—(1) "Control of an Army including a British element cannot be made over to an Indian Legislature," (2) "the evolution of an entirely Indian military force capable of undertaking unaided the tasks now discharged by the Army in India, must be a very slow process indeed."[147] It has urged the necessity of a British element in Indian Army for three reasons—(1) frontier defence, (2) internal security, (3) obligation to the Indian States.

[145] For an exposition of this, see Chapter VI of Sir P. C. Sivaswamy Aiyer's *Indian Constitutional Problems*, 1928.

[146] Vol. I, pp. 92—107.

[147] Vol. II, p. 170.

SECTION VII

Public Works and Communications

The promotion of Public Works has formed a traditional activity of the State in the country of Asoka and Sher Shah. The tradition did not die out altogether though its force was greatly lost, owing to numerous political convulsions, when the East India Company began building up again an administrative system in India. A study of the East India Company's early surveys undertaken by Martin in 1750 or by Rennel in 1763—66 and of some old accounts and gazetteers like those of Buchanan and others clearly shows that the country had not even in the latter half of the eighteenth century totally lost what had been built up in the past in the shape of communications, and facilities for travel and transport. Indeed it is in the closing decade of the eighteenth and the opening decade of the nineteenth century that communications in the major part of India were at their worst. Political or more properly strategic, administrative and economic conditions of a country are very intimately related to the organisation of Public Works and Communications. Thus during the first decades of the nineteenth century, the East India Company's attention was mainly occupied with the construction and repair of barracks and other military buildings and of some military roads.[148] Lord William Bentinck is given the credit of having perceived the importance of a new trunk road connecting Calcutta with the Upper Provinces[149] and this project was carried out vigorously by Mr. Thomason, Lieutenant-Governor of the North-West Provinces from 1843—53, and by Lord Dalhousie.

148 G. W. Macgeorge, *Ways and Works in India* (*1894*), Chap. II.

149 *The Grand Trunk Road—Its Localities* published in *Calcutta Review*, No. XLI, Vol. XXI, pp. 170—224. It should be noted in this connection that Rennel in his *Description of Roads in Bengal and Bihar* (1778) describes of a high road from Calcutta to Benares, evidently part of an old grand trunk road to the West.

During the first half of the nineteenth century a Military Board in each Presidency was the recognised authority for construction of Roads and Buildings. But in 1854, during the Governor-Generalship of Lord Dalhousie, a special department of public works in the Government of India was constituted with subordinate departments for Madras and Bombay. Irrigation works, "which paid, and more than paid, from the very commencement,"[150] had attracted the East India Company's attention during the early years of the nineteenth century. But work in this branch was pushed on vigorously in the time of Lord Dalhousie. The Ganges Canal, designed and completed by Sir Proby Cautley, was opened by Mr. Colvin, the Lieutenant-Governor of Agra, in March 1854. The Bari Doab Canal followed, and in Madras the great anicut across the Godāwari was executed by Sir Arthur Cotton and his successors. Railways were first constructed during the Governor-Generalship of Lord Dalhousie, and soon Railway companies like the East Indian, the Great Indian Peninsular, the Bombay Baroda and Central Indian and the South Indian, were started. This period was also marked by the opening of electric telegraph due to the enterprise of Mr. (afterwards Sir) William O'Shaughnessy.

In recent times, growing decentralisation and gradual development of local self-government have led to changes in the organisation of Public Works. As regards Buildings and Roads powers were delegated to the provincial governments and local bodies even before 1920; the Montagu-Chelmsford Reforms have made the construction and upkeep of roads a provincial and, except in Assam, a 'transferred' subject. But owing to the growth of motor transport, the "maintenance and construction of the most important roads is now becoming a matter of national or "All-India" concern, which the provincial governments "have not the financial capacity to deal with unaided."[151] A special Road Development Committee

[150] Dutt, *India in the Victorian Age*, p. 173.
[151] *India in 1930-31*, p. 266.

was appointed, the recommendations of which were embodied in a resolution passed by the Legislature during the 1930 Delhi Session. A two-anna surcharge on petrol was imposed in March 1929 ; the Standing Committee for Roads became established by the following April ; Road Conferences began to be held from time to time and the Road Development Account began to be "administered by the Governor-General-in-Council in accordance with the Committee's advice."[152]

The importance of Irrigation Works in an agricultural country like India, where rainfall is characterised by "its unequal distribution throughout the seasons and its liability to failure or serious deficiency," can hardly be exaggerated. We have already noted the earlier attempts of the Company which were more or less successful and paying ; but during the middle of the nineteenth century, when railway construction was pushed on vigorously, "irrigation works suffered from comparative neglect."[153] Two private companies took up the work of canal building,—the Madras Irrigation Company to execute Mr. Cotton's Tungabhadra project and the East India Irrigation and Canal Company to carry out his Orissa Canal Scheme ; but their attempts proved financially unsound and therefore failed.[154] The frequent visitations of famines during the last few decades of the nineteenth century roused public opinion to the importance of sounder irrigation works in India. "Among the means," remarked the Famine Commission of 1880, "that may be adopted for giving India direct protection from famine arising from drought, the first place must unquestionably be assigned to works of irrigation." An Irrigation Commission was appointed by Lord Curzon in 1901 which submitted its report in 1903. The Commission expressed the opinion "that the field for the construction of new works of any magnitude on which the net revenue would exceed the

152 *Ibid.*, p. 268.

153 Kale, *Indian Administration*, p. 4?8.

154 Knowles, *The Economic Development of the British Overseas Empire*, pp. 373-74.

interest charges was restricted to the Punjab, Sind, and parts of Madras, and that the tracts in which most of such works could be constructed were not liable to famine. Where protective irrigation was most urgently required in the Deccan districts of Bombay and Madras, the Central Provinces, and Bundelkhand, the Commission found that there was no prospect of new irrigation works on any considerable scale proving directly remunerative ; but it recommended that works should be undertaken in these tracts with a view to reducing the cost and mitigating the intensity of future famines. The Commission reviewed all the irrigation works of importance in every province of India, pointed to a great number of suggested projects and recommended a thorough investigation of the irrigation capabilities of every part of India. They sketched out a rough programme of works for the next twenty years, to add 6½ million acres to be irrigated at an estimated cost of nearly £30,000,000."[155] The report of the Commission forms the basis of the Government of India's irrigation policy and since 1908 irrigation statistics are being systematically recorded. "During the year 1929-30 the total acreage irrigated by Government works in British India alone was 1,000,000 in excess of the previous record figure of 30,700,000 acres attained in 1928-29, and represented 12·7 per cent of the cropped area."[156] Since then stupendous projects of barrage and irrigation have been carried out in the Sutlej and Indus Valleys, further adding to that percentage, and transforming arid wastes into smiling fields.

Irrigation has become a provincial subject after the Reforms, and the local governments are responsible for constructing and maintaining irrigation works.[157] Various types of

155 *Moral and Material Progress Report,* 1901—11.

156 *India in 1930-31*, p. 229.

157 But recently the growth of new provinces by provincial redistribution or otherwise, has made it necessary for either the Central Government or two or more local governments jointly, to manage certain irrigation works extending over or benefiting more than one such province.

irrigation works have been in use in India and a few more have been introduced, *e.g.*, canals, reservoirs, wells, tube wells, lift-irrigation from rivers, or temporary dams for holding up flood-water, of which canals are by far the most important. Some of the important irrigation works undertaken during recent years are the Sukkur (or Lloyd) Barrage in Sindh, the Sutlej Valley Project (mainly affecting Bahawalpur), the Sarda River irrigation works in the United Provinces, the Kaveri Reservoir in the Madras Presidency, and in the Deccan "the Bhandardara Dam, which is the highest in India, and the Lloyd Dam at Bhatgar, which is the largest mass of masonry in the world."

The Royal Commission on Agriculture in India also considered the question of Irrigation Works and made certain important recommendations. It recommended the maintenance of closest relations between the agricultural and irrigation departments. In order that the cultivators "should have a more direct avenue of approach to responsible officers of the department and to Government," the Commission suggested "the creation, in those provinces in which irrigation is of importance, of an organisation on the analogy of the local railway advisory committees composed of representatives of the irrigation, revenue and agricultural departments, with a majority of non-official members who should, if possible, be cultivators. The main duty of this advisory committee would be to deal with complaints from cultivators or associations of cultivators in regard to irrigation matters." In addition to the Central Irrigation Board already constituted by the Government of India the Commission proposed the "establishment of a Central Bureau of Information for Irrigation which might suitably be placed in charge of the Consulting Engineer to the Government of India with its headquarters at Delhi. The main functions of the Bureau would be to establish and maintain a comprehensive library of irrigation publications and to act as a clearing-house of information needed by provincial officers. It should endeavour to keep agricultural interests and the

public generally in touch with irrigation developments in India and abroad." The Commission further pointed out the necessity for research on irrigation problems.

The history of railway construction in India may be studied under four periods. During the first period coming up to 1869 the lines were constructed by joint stock companies on a Government guarantee of five per cent annual interest on all share capital raised by them together with a free grant of lands required. In return the companies were required to pay to the State, when they earned more than five per cent, half the surplus in every half year ; the Government were to exercise control over the construction, working and management of the lines and it retained the right to purchase the railways at a fixed rate after twenty-five years. But the guarantee system produced evils rather than any benefit to the country or the Government.[158] The lines were planned on a " needless scale of solidity, on a broad gauge, with accessory conveniences needless for either safety or efficiency."[159] The companies being assured of five per cent on every farthing spent had no motive for economy or incentive for speedy or convenient work. The system therefore entailed a heavy drain upon Indian revenues ; by 1869 the deficit on railway budget amounted to Rs. 166½ lakhs. As a witness before the Parliamentary Committee of 1873, Lord Lawrence condemned railway extravagance in India in the following terms: " I think it is notorious in India among almost every class that ever heard talk on the subject, that the railways have been extravagantly made ; that they have cost a great deal more than they are worth, or ought to have cost."[160] The guarantee system was, therefore, abandoned and the state decided to construct railways through its own agency with borrowed capital. The Indus Valley, Punjab Northern, Rajputana, Malwa, North

158 For details, *vide* R. C. Dutt, *India in the Victorian Age*, pp. 352—60.

159 Dodwell, *A Sketch of the History of India*, p. 84.

160 Quoted in R. C. Dutt, *Op. cit.*, p. 356.

Bengal, were the lines directly constructed by State agency between 1869—80. But the outbreak of terrible famines between 1874—79 and the Afghan War of 1878—1889 by upsetting Indian Finance "dealt the *coup-de-grace* to the policy of pure State construction and management."[161] In England also "a feeling of hostility towards State enterprise was again surging up." In reply to the letter from Lord Lytton's Government in June 1770, the Secretary of State, Lord Hartington, wrote : "In the case of railways, I do not doubt that your Excellency will bear constantly in mind the importance, whenever possible, of ensuring their construction by private capital, either local or European."[162] The Government therefore took recourse to the old guarantee system on easier terms than before and under a new name—the State lines worked by Companies. Railway lines of the total strength of over 4,000 miles were opened under this system. At the same time the state also remained concerned with the construction of some lines chiefly from strategic considerations. Being financially embarrassed, the Government further tried to enlist 'unaided private enterprise.' Four companies were thus started: the Nilgiri, the Delhi-Ambala-Kalka, the Bengal Central, and the Bengal North-Western.[163] This experiment did not, however, prove successful. The Native States were also now invited to undertake railway construction in their own territories. In 1893 was introduced the system of rebates, which meant that "instead of a gold subsidy, companies were offered a rebate on the gross earnings of the traffic interchanged with the main line, so that the dividend might rise to four per cent, but the rebate was limited to twenty per cent of the gross produce." But the rebate terms did not prove sufficiently attractive, and in 1896 the "branch line company was offered an absolute guarantee of three per cent with a share of surplus

161 N. B. Mehta, *Indian Railways* (London, 1927), p. 36.

162 Rai Saheb C. P. Tewari, *Indian Railways*, p. 251.

163 Mehta, *Op. cit.*, p. 41.

profits, or a rebate to the full extent of the main line's earnings in supplement of their own, the total being limited to 3½ per cent on the capital outlay."[164] But even these terms came to be regarded in course of a few years as unsatisfactory and owing to the criticisms of Mr. T. Robertson in 1903 and the Mackay Committee in 1907-8, the Government revised them in 1913 and in lieu was substituted an increase "in the rate of guarantee from 3 to 3½ per cent, and of rebate from 3½ to 5 per cent with equal division of surplus profits over five per cent in both cases." In 1908 the Mackay Committee laid down a vast programme for railway extension, but the changed conditions during and after the War accentuated the problem of railway construction. The Acworth Commission in 1921 considered a suitable policy for further development in future. But its members were not unanimous ; the majority including the President himself were in favour of abolishing the system of Company management. They recommended that the state should undertake the direct management of railways after the expiry of the contracts with the companies. The Majority Report was not accepted by the Government of India as final, but a great deal of public dissatisfaction and clamour began to appear against the system of management by the Companies, who carried away profits to the amount of one crore a year out of India and whose Boards in London did not sympathetically consider the grievances of the poor passengers or struggling producers, manufacturers and traders who paid for the railways, and their profits. Under the pressure of this national demand, the Government has recently taken over under its direct management the East Indian Railway (1st January, 1925), the Great Indian Peninsula Railway (30th June, 1925), the Burma Railways (1st January, 1929) and the Southern Punjab Railway (1st January, 1930).

A few words may be said here in brief description of the railway administration and finance. For many years the

164 Mehta, *Op. cit.*, p. 43.

railways were controlled by a branch of the Public Works Secretariat with several consulting engineers under it. In 1879 a single Director-General of Railways, exercising powers over both State and Companies lines was appointed ; he remained, however, included in the Secretariat as Deputy Secretary for Railways. But owing to the rapid expansion of railways necessitating management by practical businessman on commercial lines, the Railway branch of the Secretariat was abolished and its place was taken by a Railway Board consisting of a chairman and two members and placed directly under the newly constituted Department of Commerce and Industry. Administrative duties were delegated to the Board and the Government of India reserved to itself the " final decision in regard to the preparation of the railway programme and the larger question of railway policy and finance which affect all lines.[165] The Board was further reconstituted on the lines of the recommendations of the Acworth Committee (1920-21) and as at present constituted, it consists of the Chief Commissioner, a Financial Commissioner and three members and is assisted by five directors " expert in civil engineering mechanical engineering, traffic, finance, and establishment and labour, whose functions are to relieve the Board itself of routine work, by disposing of all detailed or technical matters themselves, and thus to enable it to concentrate its attention on the larger questions of policy."[166] Besides the Railway Board, there are the Rates Advisory Committee constituted in 1926 and the Central Publicity Bureau of the Railway Board inaugurated on 1st April, 1927. The railway services have also been recently reorganised and are being gradually Indianised.

During the nineteenth century the Railways entailed a heavy burden on the resources of the country and was not a paying concern to the Government. From the beginning of the twentieth century, the system began to yield a clear profit.

[165] *Imperial Gazetteer*, Vol. IV, p. 315.

[166] *India in 1930-31*, p. 249.

The Acworth Committee recommended the separation of railway finances from the general finances and it has been given effect to by a resolution of the Assembly, dated 20th September, 1924.

The Post and Telegraphs Department renders numerous services to the State as well as to the people. Up to 1912 the telegraph service in India was a separate department administered by an officer named Director-General of Telegraphs, working in subordination to the Government of India in the Department of Commerce and Industry. In 1914 the Secretary of State sanctioned the amalgamation of the Post and Telegraphs Departments. The new arrangement being introduced from 1st April, 1914, was completed in March, 1930. The control of the Posts and Telegraphs is now in the hands of the Director-General of Posts and Telegraphs working in subordination to the Government of India in the Department of Industries and Labour. A special feature of the Department's work in recent times has been the "extension of postal and telegraphic facilities in rural areas." Apart from purely postal activities and telegraph department other activities of the department like telephones, wireless, radio and aerial post are also making rapid progress, thus bringing India abreast of the times.

CHAPTER II

THE GROWTH OF AN INDIAN CONSTITUTION AND THE POLITICAL DEVELOPMENT OF INDIA

A—INDIAN CONSTITUTION

SECTION I

GROWTH OF PARLIAMENTARY CONTROL ; AND THE RELATIONS BETWEEN PARLIAMENT AND SECRETARY OF STATE AND THE GOVERNMENT OF INDIA

THE administrative scandals in Bengal during the second dyarchy instituted by Lord Clive and the greed of the Directors in England (who regarded the Dewani as marking " the beginning of a golden millennium " and thus raised the rate of dividend to 10 and 12 per cent) drew the attention and intervention of the British Parliament to and in Indian affairs even from 1766, when Parliamentary Committees were appointed to enquire into these ; next year the Parliament required the Company to pay an annual tribute to the Home government for their new and considerable acquisitions. Parliamentary control of a more effective nature is however to be traced from the year 1773. The Company's servants were arrogant and opulent, but the Company itself was struggling with impending bankruptcy. So when the Company approached the Parliament in 1773 for financial assistance, Lord North's government took this opportunity to make alterations in the system of administration of the Company's Indian possessions by passing two Acts. By the first Act the Company was granted a loan of £1,40,000 at 4 per cent and its power of declaring large dividends was somewhat restricted. The second Act was the famous Regulating Act of 1773, the provisions of which have

been already noted.[1] But this Act did not remove the evils and it has been justly condemned "as violating the first principles of administrative mechanics. It created a Governor-General who was powerless before his council, and an executive that was powerless before a supreme court, itself immune from all responsibility for the peace and welfare of the country."[2] The Amending Act of 1780-81 removed some of its anomalies and settled the jurisdiction of the Supreme Court. But the whole question was re-opened in 1783 when, in the month of March, the East India Company was again obliged to petition for financial help. "The relief and reformation of the Company" remarked Burke, "must go together. The Company had flown in the face of Parliament."[3] Three proposals came forward, those namely of Dundas, Fox and Younger Pitt. The first two were rejected after bitter and vehement criticism, but the third was carried through the Parliament in August 1784. Pitt's India Act[4] set up six "Commissioners for the Affairs of India," known more generally as the Board of Control, consisting of the Chancellor of the Exchequer, a Secretary of State and four (five as modified by a subsequent Act) Privy Councillors appointed by the King and holding office during his pleasure. The Commissioners were unpaid and had no patronage. They were invested with the "Superintendence and Control over all the British Territorial Possessions in the East Indies and over the Affairs of the United Company of Merchants." Members of the Board were to have access to and to be furnished with all papers belonging to the Company. The Directors of the Company had "to pay obedience to, and had to be bound by the orders of the Board, which might modify any communications or despatches issued by them." The secret or urgent orders of the Board might

1 Vol. I, Part II, pp. 148—51.

2 *M. C. Report*, para 30.

3 *Cambridge History*, Vol. V, p. 193.

4 P. Mukherjee, *Op. cit.*, Vol. I, pp. 28—58.

be sent to India through a Committee of Secrecy of the Directors consisting of the Chairman, the Deputy Chairman, and the Senior Director; and the Court of Proprietors was deprived of any power to suspend or annul resolutions of the Directors approved by the Board. Thus the Court of Proprietors was reduced to an insignificant position and the Board became practically the master of the Company. The Secretary of State, in his absence the Chancellor of the Exchequer or in the absence of both of them, the most senior of the other Commissioners was to be the President of the Board, having a casting vote in matters of difference. The Councils of the Governor-General of Fort William in Bengal and of the Governors of Fort St. George and Fort St. David were to consist of three instead of four members, the Commander-in-Chief being one of them; the Governor-General or Governors were to have casting votes. The Governor-General and Council was to exercise control in certain matters over all the other Governments belonging to the Company. It was also provided that the Governor-General and Council should not declare war against any Indian Power without the permission of the Court of Directors.

Thus was "instituted the dual system of government by the Company and by a Parliamentary Board which endured till after the Mutiny. From Cornwallis' time onwards we may take it that all administrative acts of the Governor-General in Council, including annexations of territory were done with the sanction of the National Government."[5]

The constitution of the Board was remodelled by an Act of 1793 which provided that two Commissioners might be appointed from outside the Privy Council and that the members and staff of the Board were to be paid out of the Indian revenues. From this time the First Commissioner was called the President of the Board of Control, and "under this change the collective action of the Board became a mere fiction, and

[5] *M. C. Report,* Para 31.

all power came to reside in the hands of the President who derived additional importance from his being a member of the Cabinet."[6] Very few enactments of constitutional importance were passed during the period from 1793 to 1813.[7] But various considerations, political as well as financial, led to the appointment of a committee of the House of Commons, which made a searching enquiry into the affairs of the Company in India and submitted the famous *Fifth Report*, which was published in July 1812. The Parliament then passed the Charter Act of 1813 in the teeth of vigorous opposition from the Company, and this Act granted the Indian possessions and revenues to the Company for a further term of twenty years, reserved to them for the same time the China trade and the tea trade, but threw open the general Indian trade subject to certain conditions. The constitutional significance of the Act was that "it asserted the sovereignty of the Crown over"[8] the territories of the Company. A further step in this direction was marked by the Charter Act of 1833, which in several ways introduced "important changes into the constitution of the East India Company and the system of Indian administration."[9] The Company was allowed to retain its territorial possessions for another term of twenty years, but it was to hold these "in trust for His Majesty, his heirs and successors, for the service of the Government of India." The Company had to close its commercial business, and its administrative affairs were henceforth to be conducted by the Court of Directors under the control of the Board as representing the Parliament. By the Charter Act of 1853 the Charter of the Company was renewed but not for any definite number of years. It was provided that the "Indian territories should remain under the government of the Company, in trust for the Crown, until Parliament should

6 Sapre, *Indian Administration*, pp. 50-51.

7 Ilbert, *Historical Introduction*, p. 73.

8 *M. C. Report*, para 31.

9 Ilbert, *Op. cit.*, p. 81.

otherwise direct." The Act further reduced the number of Directors from twenty-four to eighteen, out of whom six were to be appointed by the Crown. In the same year the "right of patronage was taken from the Directors and exercised under rules made by the parliamentary Board of Control."[10] It should not, of course, be thought that "the supremacy of the President of the Board of Control left the Directors with no real power. Their position was still a strong one; the right of initiative still rested ordinarily with them; they were still the main repository of knowledge; and though the legal responsibility lay with Government, they exercised to the last a substantial influence upon details of administration." Nevertheless we should not lose sight of the fact that in reality the Government was already in the hands of the Crown, through the President of the Board of Control, even before the Mutiny, and that the transfer of 1858 marked a formal rather than any substantial change. The Government of India Act of 1854 empowered the Governor-General of India in Council, with the sanction of the Court of Directors and the Board of Control "to take by proclamation under his immediate authority and management any part of the territories for the time being in possession or under the government of the East India Company and thereupon to give all necessary orders and directions respecting the administration of the Fort, or otherwise provide for its administration."

The double government of the Court and the Board "with its division of powers and responsibilities" gradually proved to be cumbrous, anomalous and unsuited to the changed conditions, and the Mutiny gave it the deathblow. The Act of 1858 for the better government of India[11] which received the Royal Assent on the 2nd August of that year, provided that India should be governed "directly by and in the name of the Crown, acting through a Secretary of State, to whom were to

10 *M. C. Report,* para 31.

11 P. Mukherjee, *Op. cit.*, Vol. I, pp. 134—48.

be transferred the powers formerly exercised either by the Court of Directors or by the Board of Control.". The Secretary of State was to be assisted by a Council of fifteen members, of whom eight were to be appointed by the Crown and seven were to be elected by the Court of Directors from among themselves.

Eighteen years after the transference of the Indian Government to the Crown, Queen Victoria assumed the title of Empress of India by the Royal Titles Act of 1876. Her successor, Edward VII, was proclaimed King-Emperor at the Second Delhi Durbar on January 1, 1903; and after him George V succeeded in 1911 to the title, which has come to be regarded as "the symbol of unity of the British Empire," and which "represents in a special way the sovereignty of the British nation in this Dependency."

The status and functions of the Secretary of State may be discussed from different points of view, such as, (a) his relations with the Parliament, (b) his relations with the India Council, and (c) his relations with the Government of India.

(a) The Secretary of State for India is one of the principal Secretaries of State of His Majesty, and as such he is one of the Ministers of Cabinet rank, a member of one or the other House of the Parliament and also a party leader with some influence. His tenure of office is linked with the rise and fall of the party to which he belongs, and like other members of the Cabinet he is responsible to the Parliament for his policy and actions. The members of the Parliament may put to him questions and supplementary questions regarding his department and may disapprove of his actions by passing a vote of censure. Thus the Secretary of State for India is thoroughly subordinate to the Parliament. In two respects, however, his position differs from the other Secretaries of His Majesty in the Cabinet. Before the Reforms of 1919 his salary was not voted from the British Exchequer and as such the Parliament had no opportunity of criticising the policy of the India Office and the Secretary of State at the time of voting

their expenditure. But this has been changed by the Government of India Act, 1919, which provides that "the salary of the Secretary of State shall be paid out of moneys provided by Parliament, and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenues of India or out of moneys provided by Parliament." The other point of difference is that, unlike other Secretaries of State, the Secretary of State for India has been granted by law a Council, which assists him in his work. As a member of the Cabinet, the Secretary of State for India is primarily responsible to this body, and in cases of disagreement with the Prime Minister and his colleagues, he has no alternative but to resign. Though such contingencies have been rare, a notable case occurred a few years back when Mr. Montagu, the Secretary of State for India and a member of the Cabinet, had to resign owing to differences with his chief Lloyd George and his colleagues in the Cabinet. The Secretary of State has two assistants, the Permanent Under-Secretary and the Parliamentary Under-Secretary. The former being a member of the British Civil Service is no party official or member of the Parliament and he enjoys a permanent tenure. He is the executive head of the India Office bureaucracy. The latter belongs to the party in power, is a member of the Ministry though not of the Cabinet, and he vacates his executive office with the fall of his party.

(b) The Council of India was originally instituted by the India Act of 1858 to restrain and limit the action of one man, the Secretary of State. As provided by the Act, the Council was to consist of fifteen members, of whom eight were to be appointed by the Crown and seven were to be elected by the Directors of the East India Company. The majority of the councillors were to be men who had served or resided in India for ten years at least, and had not left the country more than ten years before their appointment. Thus, it was thought that the Council would exercise "moral control." Among other clauses of the Act was one which provided that "orders of

the Secretary of State relating to expenditure and loans required the concurrence of a majority of the Council of India." But gradually the Council has been reduced to a subordinate position in three ways :—(a) in its composition ; (b) in its powers ; and (c) in the method of transacting business. The Government of India Act of 1869 " vested in the Secretary of State the right of filling all vacancies in the Council of India, and changed the tenure of members of the Council from a tenure during good behaviour to a term of ten years."[12] The Act elevated the Secretary of State's position at the cost of the Council's independence. As Sir Charles Dilke remarked in the House of Commons : " At the time the Council was appointed, the idea was to curb the power of the Secretary of State ; that feeling had passed away, and it was now recognized on all hands that the Council should be a consultative and not a controlling body."[13] By the Council of India Reduction Act of 1889 the Secretary of State was allowed to " abstain from filling vacancies until the number of members could be reduced to ten." By the Council of India Act of 1907, the Council was made to consist " of such number of members not more than fourteen, as the Secretary of State may, from time to time, determine," and the tenure of the members was reduced to seven years, which could, for special reasons, be extended by five years more. Lord Morley, the then Secretary of State, added in that year two Indian gentlemen to his Council. It is true that the Council retained its power of ' Financial Veto ' by a provision of the Act of 1858, according to which " no grant or appropriation of any part of (the Indian) revenues or of any other property coming into the possession of the Secretary of State by virtue of the Government of India Act, 1858, may be made without the concurrence of a majority of votes at a meeting of the Council of India." But the responsibility of the Secretary of State ' for questions of high policy ' to the

12 Ilbert, *Historical Introduction*, p. 105.

13 Dodwell, *Sketch of the History of India*, p. 29.

Parliament and not to his Council rendered this restraint ineffective in actual practice. "It was in fact," remarks Prof. Dodwell, "too great a power for so small and unrepresentative a body as the Council of India to assert effectively."[14] Besides these, the Secretary of State's extraordinary power of overruling his Council and his special privileges in matters of urgency and secrecy have increased the subordination of the Council. Lastly, the method of transacting business in the India Office and in the Council of India through Committees has also tended to produce the same result.[15] In short, instead of being a check on the powers of the Secretary of State (as intended by the statesmen of 1858) the Council has been reduced to the position of his dependent tool.

In studying the relations of the Secretary of State with the Governor-General and the Government of India we should note that so far as statutory positions are concerned the former is authorised by the Act of 1858 to "direct and control the latter." But great controversies have raged round the question of their mutual relations. All believed in 1858 that the executive power lay with the Government of India. Even later on Northcote described the Government as set up in 1858 as "an executive machinery in India subject to a controlling machinery in England."[16] In the early sixties Bartle Frere pointed out that the Secretary of State should act as the "representative and colleague of the Viceroy in the Cabinet and Parliament, and as the exponent of the Viceroy's measures to the English Parliament and people."[17] Various causes increased the importance of the Home Government and contributed 'to fortify the position of the Secretary of State *vis-a-vis* the Government of India.' Even the impediment of geographical isolation and distance was annihilated in 1870 by the completion

14 *Ibid.*, p. 29.

15 Sapre, *Indian Administration*, p. 180.

16 Quoted in Dodwell, *Op. cit.*, p. 34.

17 *Ibid.*

of a direct telegraph line between India and England by submarine cable through the Red Sea. The Secretary of State "could thus less than ever be confronted with accomplished facts"; he wanted to exercise greater control over the Government of India by issuing detailed and positive orders, and frictions naturally arose between the two.

When in 1870 Lord Mayo's government "as a whole protested at being required to pass the Bills which became the Contract Act and the Evidence Act in the shape in which the Secretary of State on the report of the Indian Law Commissioners approved of them, on the ground that such a course deprived the legislative councils of all liberty of action, the Home Government proceeded to assert their rights of control in the most emphatic manner."[18] The tension came to a head during the viceroyalty of Lord Northbrook, and the Secretaryship of Lord Salisbury in the Disraeli administration. Lord Northbrook "recognised the subordinate position of the Viceroy, but he held that Parliament had conferred certain rights, not only on the Viceroy, but on his Council, which differentiated them in a very notable degree from subordinate officials."[19] He tried to assert the independence of his Government in fiscal matters, but Mr. Disraeli's Government were equally decided in affirming their constitutional rights:—"It is not open to question that Her Majesty's Government are as much responsible to Parliament for the Government of India as they are for any of the Crown Colonies of the Empire . . . . It necessarily follows that the control exercised by Her Majesty's Government over financial policy must be effective also."[20] Lord Ripon, as the Viceroy of India, protested against the "undue control" of the India Office. "I am not sure," he said, "that if I had known exactly how matters stood I would have come out here (India)." A strong assertion of

18 *M. C. Report,* para 34.

19 Mallet, *Life of Northbrook,* p. 91.

20 *M. C. Report,* para 34.

the theory of Parliamentary supremacy over the Government of India was made in 1894 by Sir Henry Fowler, the Secretary of State, on the occasion of the Cotton Duties Bill.

Of course "the intensity of control must vary with the interest shown by Parliament on whose behalf the Secretary of State exercises his powers. The relations between Simla and Whitehall vary also with the personal equation."[21] A strong Viceroy like Lord Curzon thus ascribed to the members of the Council of India "a desire to thwart and hinder his work" and felt himself compelled to resign because he was overruled by the Home Government.[22] The issue was raised again when Lord Morley was the Secretary of State for India.[23] General J. H. Morgan has rightly noted about Morley that "no more autocratic Secretary for India ever reigned at Whitehall, none ever consulted his Council less and none ever admonished a Viceroy more."[24] This view is strongly confirmed by Morley's own *Recollections* and in a letter from Lord Minto to Lord Stamford, dated 5th July, 1910. Lord Morley maintained that the "British Cabinet, through the Secretary of State, had an inexpugnable right, subject to law, to dictate policy, to initiate instructions, to reject proposals, to have the last word in every question that arises and the first word in every question that, in their view, ought to arise."[25] Lord Morley claimed the liberty to correspond directly with any official and asserted a predominant claim in the matter of appointing Lieutenant-Governors. Lord Minto, the Viceroy of India, bitterly resented; he wrote to one of his relatives: "No one for an instant denies his (Secretary of State's) supreme

[21] *Ibid.*, para 35.

[22] Ronaldshay, *Curzon*, Vol. II, p. 237.

[23] *Indian Unrest*, by Sir V. Chirol.

[24] Quoted in *Cambridge History of India*, Vol. VI, p. 217.

[25] Reference may be made to Lord Morley's article entitled *British Democracy and Indian Government* in *Nineteenth Century and After*, February 1911.

control, but that must be taken together with the powers given to the Government of India by various Acts of Parliament, which evidently intended that the direct administration of India should be entrusted to the Government of India, always of course subject to the supreme control of the Secretary of State. But the present Secretary of State does not read the Acts in that way, and claims his right to interfere with and command every individual in India—direct . . . Legally his position may be sound, but constitutionally it is impossible."[26]

According to Section 33 of the Government of India Act, 1915, the Governor-General in Council "is required to pay due obedience to all such orders as he may receive from the Secretary of State, and thus, by the exercise of the powers of control over Indian finance, legislation and administration inherent in the Secretary of State, the supervision of the British Parliament over Indian affairs is secured."[27] But though the legal and constitutional powers of the Secretary of State over the Government of India are so great and enormous, yet in the practical working of the machinery, the Governor-General being the man on the spot, his "old discretionary power . . . . has not altogether ceased."[28] "The authority and position of the Secretary of State," said Lord Birkenhead on the 5th day of November, 1929, "are complementary of the authority and position of the Viceroy. Sometimes the special atmosphere in which the Viceroy lives, or the wholly different atmosphere in which the Secretary of State lives, may be the corrective of a rash impulse, whether that be formed in Delhi or in Whitehall."[29] The Indian Statutory Commission has expressed the opinion that as under the new constitution the Government of India "remain responsible to Parliament," so the "Governor-General in Council must continue to be subject, as at present,

[26] Quoted in Dodwell, *Op. cit.*, pp. 38-39.

[27] *Report of the Indian Statutory Commission*, Vol. I, p. 179.

[28] Dodwell, *Op. cit.*, p. 40.

[29] Quoted in *Cambridge History*, Vol. VI, p. 244.

to the orders of the Secretary of State "[30]; but he would have no direct control over the Provincial Governments, except in connection with the exercise of the special powers that are reserved to the Governors. Under rules which date from 1921 the Bills to be introduced in the Central Legislature in India "need not be referred for the approval of the Secretary of State in Council, unless they relate to a limited number of subjects, as for example, Imperial or military affairs, foreign relations, the rights of European British subjects, the law of naturalisation, the public debt, customs, currency and shipping."

We have already reviewed the history of the India Council up to 1907 and its subsequent history may now be briefly narrated. Many Indian politicians including the late Mr. Gokhale had been of opinion that the India Council served no useful purpose and demanded its total abolition. The Crewe Committee of 1919, appointed to consider plans for the re-organisation of the India Office, also shared the same opinion. But the writers of the Montagu-Chelmsford Report and the Joint Parliamentary Committee recommended its retention with certain changes in composition and functions. The Act of 1919 introduced the following changes on the basis of those recommendations :—The Council of India shall consist of such number of persons, not less than eight and not more than twelve, as the Secretary of State may determine. The right of filling any vacancy in the Council remained as before with the Secretary of State. Half the number of the members must be persons who have served or resided in India at least for ten years and have not last left India more than five years before the appointment. The term of office was reduced to five years instead of seven as before. The Secretary of State retained the power of reappointing a member of the Council for a further term of five years, the reasons for which he was to place before the Parliament. Each member was to receive an annual salary of £1,200 and the salaries and allowances might be paid

[30] *Report*, Vol. II, p. 304

either out of the revenues of India or out of money voted by Parliament. The Indian element in the Council was increased from two to three members. Section 29 A of the Government of India Act created the office of the High Commissioner for India. He was to remain as a servant and an agent of the Government of India and controllable by them, his salary and that of his establishment being paid out of Indian revenues. He has been charged with all agency and commercial business which had been hitherto transacted by the Secretary of State in Council for the Government of India. Purchase of all stores for the Government of India, other than military stores, the Indian Students' Department, the training of probationers to the Civil Services, passages, purchase of quinine, etc., have been made over to him. Sir William Mayer was the first High Commissioner. The High Commissioner's services "have often been utilised to represent India on important international conferences." Sir Atul Chatterjee, K.C.I.E., was the leader of the Government group of the Indian delegation to the International Labour Conference and he represented India on the governing body of the International Labour Organisation. The proposals of the Indian Statutory Commission do not affect the position of High Commissioner very much, except that as being the agent of the Provincial Governments he "will no longer be subject even indirectly to decisions by the Secretary of State or the Government of India."[31]

Even after the Reforms of 1919 there has been a strong body of opinion in India which regards the Secretary of State's Council "as a reactionary body which has stood in the way of constitutional advance." But in the opinion of the Indian Statutory Commission "it is essential that there should be a body of experts to whom the Secretary of State can have recourse for advice and information."[32] The functions of the Council are to be "essentially advisory," it should be reduced

31 *Report,* Vol. II, p. 310.

32 *Ibid.,* p. 306.

in size, and its members should be drawn from those having "recent experience" of India. The Commission has also proposed that the new Act should provide for the creation by the Crown of a Council for Greater India, containing both representatives of the States and representatives of British India, which would serve to effect a closer association between British India and the Indian States "in matters of common concern." The changes proposed in this sphere by the White Paper may be noted here :—(a) "After the commencement of the Constitution Act the Council of India as at present constituted will cease to exist. But the Secretary of State will be empowered to appoint not less than three, nor more than six, persons (of whom two at least must have held office for at least ten years under the Crown in India) for the purpose of advising him"; (b) "the Secretary of State will determine the matters upon which he will consult his advisers, and will be at liberty to seek their advice, either individually or collectively, on any matter. But so long as a Secretary of State remains the authority charged by the Constitution Act with the control of any members of the Public Services in India he will be required to lay before his advisers, and to obtain the concurrence of the majority of them to any draft of rules which he proposes to make under the Constitution Act for the purpose of regulating conditions of service, and any order which he proposes to make upon an appeal admissible to him under the Constitution Act from any such member."

SECTION II

The Central Government in India

The second half of the 18th century witnessed the gradual transformation of the East India Company from a mere trading corporation to an Indo-British power, and new responsibilities consequently developed upon it. The need of greater solidarity and coordination among the three Presidencies began to be felt, and the Parliament also felt the necessity of interfering in

its affairs. The Regulating Act of 1773 marks the first important step in this direction. By it the Governor of Bengal became the Governor-General of Bengal, and he was empowered along with his Council to superintend and control the "government and management of the presidencies of Madras, Bombay and Bencoolen (in Sumatra), so far as and in so much as that it should not be lawful for any Government of the minor presidencies to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty with any such prince or power without the previous consent of the Governor-General and Council, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the arrival of their orders, and except also in cases where special orders had been received from the Company."[33] The Governor-General and Council were required to obey the orders of the Court of Directors and to inform them constantly of all matters concerning the interest of the Company. The Amending Act of 1781 tried to remove some of the difficulties connected with the operation of the Regulating Act and it empowered the Governor-General and Council "from time to time to frame regulations for the provincial courts and councils."[34] Pitt's India Act of 1784 extended the control of the Governor-General and Council over the government of the minor presidencies to "all such points as relate to any transactions with the country powers, or to war or to peace, or to the application of the revenues or forces of such presidencies in time of war." The Charter Act of 1793 distinctly enunciated the powers of the Governor-General over the whole of British India. After the vigorous march of British imperialism under Lord Wellesley and Lord Hastings, the title of the Governor of Bengal was changed into the Governor-General of India by the Charter Act of 1833. Now "the

33 Ilbert, *Historical Introduction*, p. 46.

34 *Ibid.*, p. 59.

superintendence, direction and control of the whole civil and military Government in India was expressly vested in the Governor-General of India in Council." The Act of 1854, as already noted, empowered the Governor-General of India in Council, with the permission of the Home authorities, "to take by proclamation under his immediate authority and management any part of the territories for the time being in the possession or under the government of the East India Company, and thereupon to give all necessary orders and directions respecting the administration of that part, or otherwise provide for its administration." This power was exercised by the creation of Chief Commissioners like those of Assam, Central Provinces and Burma to whom the Governor-General in Council delegated such "powers as need not be reserved to the Central Government." The Government of India was also empowered, with the sanction of the Home authorities, "to define the limits of the several provinces of India"; the Governor-General was no longer to bear the title of Governor of the Presidency of Bengal, which had been constituted into a Lieutenant-Governorship. At the time of the formal and direct assumption of the Government of India by the Crown in 1858, Queen Victoria referred to Lord Canning, the Governor-General designate, as the "First Viceroy and Governor-General." This new term 'Viceroy,' which is unknown to any law but has been since then freely used in practice, means that besides being the head of the Indian administration, he stands also as the representative of the British Crown in its relation to the Princes and peoples of India.

"Appointed from among the most prominent public men in Great Britain, and usually discharging his task for a period of five years (which has not been fixed by any statute), the Governor-General occupies the most responsible, as it is the most picturesque and distinguished, office in the overseas service of the British Crown."[35] Lord Lansdowne

[35] *Report of the Indian Statutory Commission*, Vol. I, p. 177.

wrote to his mother on February 8, 1888: "I am offered a magnificent post, the most responsible and honourable in the service outside England."[36] He is a non-party official and holds his post irrespective of ministerial changes in England.[37] Though he has to work with the concurrence of the members of his Executive Council and with a popularly elected Legislature, he can override the opinions of both if he likes, "in cases of emergency and stress." He presides over the Executive Council, and can nominate a Vice-President from among the members for presiding during his absence. He has power to make rules for "the transaction of Council business, the allocation of portfolios among its Members, and the limitation of their scope." He can exercise his casting vote if there be an equality of votes in the Council on any particular question. In the Indian Legislature he can dissolve either chamber or can extend its life if he thinks it necessary. He may assent to, certify and veto bills and authorise such expenditure on his sole initiative "as he thinks to be necessary for the safety or tranquillity of British India or any part thereof." During recent years the power of certification has been taken recourse to by the Viceroy on several occasions,—as in the case of the Princes' Protection Bill, the doubling of the salt tax, the finance bill of 1924, etc. His previous assent is indispensably necessary for introducing measures on matters like the public debt or public revenues of India, religious rights and usages of British subjects, discipline of the army, foreign relations, provincial subjects and provincial laws. Besides these, the Governor-General has been given the power since 1861 to promulgate in an emergency, without consulting the Legislature, ordinances having force of law for six months (e.g., Lord Irwin's ordinance embodying the Public Safety Bill). No new measure of importance can be initiated by the Governors of Provinces without consultation

36 Quoted in *Ibid.*

37 Lord Reading served under three different ministries.

with or the general concurrence of the Governor-General. Lastly, we should note that he stands as the representative and symbol of the King-Emperor and has the " direct personal charge of the relations of India with foreign countries, and of British India with the various Indian States." All matters of importance concerning the Indian States, though issued in the name of the Government of India, " is a special concern of the Viceroy . . . The Viceroy is the link between British India and the Indian Princes ; in this connection ceremonial visits and personal interviews take much of his time ; and at the annual session of the Chamber of Princes it falls to him preside."[38] The Governor-General and Viceroy of India thus enjoying these large powers holds a preeminent position. " The Prime Minister of England presiding over the British Cabinet appears to be only first among equals. . . . The Viceroy of India has the appearance more of a superior than an equal ; constitutionally speaking, the distance between him and his colleagues is far greater and much more fundamental than that between the Prime Minister and his colleagues in the Cabinet."[39]

The Indian Statutory Commission was opposed to the introduction of dyarchy at the centre and emphatically recommended that " unity in the central executive must be preserved at all costs . . . . the Governor-General must continue to be not only the representative of the King-Emperor in all formal and ceremonial matters but the actual and active head of the Government. . . . the influence, advice and direction of the Viceroy for the time being will certainly be needed for many years to come if the constitutional progress of India is to be successfully promoted."[40]

A brief account of the Central Executive Council and the Central Legislature may be attempted here. In tracing the history of the Central Executive Council we find that before

[38] *Report of the Indian Statutory Commission*, Vol. I, p. 179.

[39] Palande, *Indian Administration*, p. 58.

[40] *Report*, Vol. II, pp. 136—38.

the Regulating Act of 1773 the government of the Presidency of Fort William in Bengal consisted of a Governor (who was entirely independent of those at Madras and Bombay) and ten councillors.[41] The Act of 1773 placed the control over the Company's affairs in India in the hands of the Governor-General and a Council of four members. But the quarrels between Hastings and his hostile colleagues rendered a reform necessary. By the Act of 1784 'the numbers of the members of the Governor-General's Council was reduced to three, of whom the Commander-in-Chief of the Company's forces in India was to be one and to have precedence next to the Governor-General.' This Act left the Government in India "vested in the majority of a constantly-changing Council."[42] Consequently an Act was passed in 1786, when Lord Cornwallis accepted the office of the Governor-General, which empowered the Governor-General to over-rule the Council and to act on his own responsibility in matters of grave importance" in extraordinary cases. This power, reaffirmed and slightly expanded by an Act of 1870, has been seldom exercised, though Lord Lytton used it in 1879 to exempt imported cotton goods from duty. The Act of 1833 added to the Council a fourth ordinary member, the Law Member, "who was not to be one of the Company's servants and was not to be entitled to act as member of Council except for legislative purposes." By the Act of 1853 the Law Member of the Council of the Governor-General was made a full member of the Council and was given the right to sit and vote at its executive meetings as well. In 1860 a project was formed for abolishing the Council altogether, but instead of that the Indian Councils Act of 1861 increased the number of the ordinary members of the Council from four* to five, "three of whom shall . . . be from among such persons as shall have been at the time of such appointment in the service in India . . . for at least ten years." and

41 Stavorinus, *Voyage to the East Indies,* Vol. I, p. 492.

42 Chesney, *Indian Polity,* p. 19.

of the remaining two " one shall be a barrister, or a member of the Faculty of Advocates in Scotland, of not less than five years' standing." The Secretary of State's power of appointing the Commander-in-Chief as an extraordinary member was retained. At this time Lord Canning introduced the portfolio system in the Government of India by which the ordinary work of the Departments was distributed among the Members, the Governor-General himself holding charge of the foreign department, and matters of greater importance were referred to the Governor-General or dealt with collectively. These rules, remarks Prof. Dodwell, " whether or not designed to replace the scheme for abolishing the Council altogether, ... have undoubtedly reduced the importance of the Council, and increased the effective influence of the Viceroy over it."[43] But it should be noted that the comparative influence of the Viceroy and his Council has depended on the personal equation. Further modifications were introduced by the Government of India Act, 1869, which transferred from the Secretary of State in Council to the Crown the power of filling in vacancies among the members of the Council, and also by the Indian Councils Act of 1874, which made provision for the appointment of a sixth member for public works. In 1904 the clause specifically appointing him for that particular department was repealed. The Morley-Minto Reforms of 1909 provided for the appointment of qualified Indians to the Council, Mr. S. P. (afterwards Lord) Sinha being then (March, 1909) appointed Law Member by the Crown ; he was succeeded by a Muhammadan barrister on whose retirement, a Hindu High Court Judge was appointed Education Member of the Council. The Act of 1919 introduced a few important changes in this sphere also. It removed the statutory restriction on the number of the members of the Council, allowed the Indian High Court Pleaders of ten years' standing to become members, provided that Governors of Provinces should cease

[43] *Sketch of the History of India*, p. 48.

to sit as extraordinary members when meetings of the Council were held in their territory, and it also gave powers to the Viceroy to appoint Council Secretaries from among the non-official members of the Legislative Assembly or the Council of State. No statutory provision was made for including a fixed number of Indians in the Council, but three were appointed on the recommendation of the Joint Select Committee. In spite of some attempts at reshuffling the portfolios after the Reforms, these remain substantially unaltered, and are allocated, apart from the Viceroy who holds the portfolio of the Foreign and Political Departments, in the following manner: a Member each for the Army (the Commander-in-Chief), Home Affairs, Finance, Law, Commerce, Education (with Health and Lands), Industries and Labour.

The Indian Statutory Commission recommended that the responsibility of appointing members of the Central Executive Council should be transferred from the Secretary of State to the Governor-General, that " direction as to number or qualifications of the Governor-General's Council should be expressed not in the statute itself, but in statutory rules made under the Statute. Such rules would, therefore, be subject to alteration without the necessity of passing a new Government of India Act, though the draft amendments must be laid before both Houses of Parliament, and the approval of both houses expressed by resolution."[44] The Commission also proposed that the Commander-in-Chief should be outside the Governor-General's Council. With regard to the Executive in the proposed Federation, the White Paper has laid down that the " Governor-General will exercise the powers conferred upon him by the Constitution Act as executive head of the Federation and such powers of His Majesty (not being powers inconsistent with the provisions of the Constitution Act) as His Majesty may be pleased, by Letters Patent constituting the office of

44 *Report*, Vol. II, pp. 138—40.

Governor-General, to assign to him. In exercising all these powers the Governor-General will act in accordance with an Instrument of Instructions to be issued to him by the King." The Governor-General will himself "direct and control the administration" of the Reserved Departments, namely, Defence, External Affairs and Ecclesiastical Affairs, in which he "will be assisted by not more than three counsellors, who will be appointed by the Governor-General, and whose salaries and conditions of service will be prescribed by Orders in Council; for aiding and advising him in other matters, there will be a Council of Ministers, who will be chosen and summoned by him, will hold office during his pleasure, and will be members of one or other chamber of the Federal Legislature." The Governor-General will be empowered "in his own discretion, but after consultation with his Ministers, to appoint a Financial Adviser to assist him in the discharge of his 'special responsibility' for financial matters." Lastly, besides his "exclusive responsibility for the Reserved Departments, the Governor-General" in administering the government of the Federation will be declared to have a 'special responsibility' in respect of (a) the prevention of any grave menace to the peace or tranquillity of India or any part thereof; (b) the safeguarding of the financial stability and credit of the Federation; (c) the safeguarding of the legitimate interests of minorities; (d) securing to the members of the Public Services of any rights provided for them by the Constitution Act and the safeguarding of their legitimate interests; (e) the prevention of commercial discrimination; (f) the protection of the rights of any Indian State; (g) any matter which affects the administration of any Department under the direction and control of the Governor-General."

The Montagu-Chelmsford Report has rightly noted that "the germ of legislative power of the Government of India lies embedded in Elizabeth's Charter (of 1600) which authorised the East India Company to make reasonable 'laws, constitutions, orders and ordinances' not repugnant to English law,

for the good government of the Company and its affairs."[45] But these powers were, as has been remarked by Sir Courteney Ilbert, "evidently modelled on, the power of making by-laws commonly exercised by ordinary municipal and commercial corporations. No copies of any laws made under the early charters are known to exist. They would doubtless have consisted mainly of regulations for the guidance of the Company's factors and apprentices."[46] The subsequent charters of the East India Company increased these powers given by the original charter as circumstances changed; George I's Charter of 1726 empowered the Governors-in-Council of the three Presidencies to make "laws, ordinances and regulations" in their respective jurisdictions. The Regulating Act of 1773 by subordinating the presidencies and councils of Bombay and Madras to the Governor-General and Council of Bengal, required the Madras and Bombay Governments to send copies of all their Acts and orders to Bengal.[47] But we do not find that the Bengal Government "had any power of modifying them," and the Act of 1807 gave to the Governors-in-Council in Madras and Bombay similar power of making regulations as were possessed by the Governor-in-Council in Bengal. Thus during this period the legislative powers were lodged in and were exercised by the Executive governments in the three Presidencies.[48]

But the gradual growth of the Company's power and territorial dominion in India made more systematic legislation necessary. The Charter Act of 1833 marks an important step in the direction of "simplifying the legislative machinery"[49] and also at correcting the errors of the past. It deprived the governments of Bombay and Madras of their power of legis-

45 Para 52.

46 *Historical Introduction*, pp. 9-10.

47 *M. C. Report*, para 54.

48 *Ibid.*, para 56.

49 *Ibid.*, para 57.

lation and empowered the Governor-General in Council "to make laws and regulations for all persons (British, Foreigners or Natives), and for all Courts (i.e., the Courts of the Company and the Supreme Court)." As we have already noted, Macaulay was appointed as Law Member of the Governor-General's Council, and his "duties were to be confined to legislation. Law-giving by purely executive orders, such as had produced the three presidency codes of regulations, was thenceforth to cease."[50] But this reform proved inadequate, and so the Charter Act of 1853 made the legislative member of the Executive Council an ordinary member, and the Executive Council was enlarged for legislative purposes by the addition of six new members called legislative members—the chief justice and another judge of the Bengal Supreme Court, and four officials appointed by the provincial Governments of Madras, Bombay, Bengal and Agra. The Governor-General as president retained his veto over legislative proposals; the proceedings of the legislative sessions were made public. "This was the first recognition of the principle of local representation in the Indian legislature . . . We find legislation for the first time treated as a special function of government requiring special machinery and special processes."[51]

But the Council as constituted by the Act of 1853 "evinced an inconvenient tendency to interfere with the Executive."[52] Sir Charles Wood complained in the House of Commons that the "council had become a sort of debating society or petty parliament."[53] Bombay and Madras continued to complain about the preponderance of Bengal, and the Sepoy Mutiny showed the necessity of associating the Indians in the legislation of their country. So the Central Legislative Council was reconstituted by the Indian Councils Act of 1861. This Act

[50] *Ibid.*, para 57.

[51] *Ibid.*, para 58.

[52] *Gazetteer of India*, Vol. IV, p. 130.

[53] *M. C. Report*, p. 62.

raised the number of the additional members from six to twelve ; half of these were to be non-officials, who were of course to be nominated, and some seats were given to the Indians. The Act restored to the Governments of Madras and Bombay the legislative powers which the Act of 1833 had withdrawn, but with this important distinction that the "previous sanction of the Governor-General was made requisite for legislation by the local councils in certain cases, and all Acts of the local Councils required the subsequent assent of the Governor-General in addition to that of the Governor."[54] Again, the "power of local legislation bestowed by the Act of 1861 was not, as previously, exclusive : it was concurrent, so that, while a provincial council might, with the Governor-General's approval legislate for its own area, the legislative power of the Governor-General in Council was unimpaired and extended for all purposes over the whole of the Indian territories under the British Crown. The concentration of authority at the Centre thus persisted."[55] It should not be thought that the Legislative Councils as established under the Act of 1861 contained germs of responsible Government. Their functions were "strictly limited to legislation. They were expressly forbidden to transact any business except the consideration and enactment of legislative measures, or to entertain any motion except a motion for leave to introduce a Bill or having reference to a Bill actually introduced."[56] But there was an advance in the direction of representation in the next stage, which was reached in 1892. The Indian Councils Act of that year provided that the Legislative Council of the Governor-General was to consist of not less than ten and not more than sixteen additional nominated members. The minimum number of non-official members was brought up to ten, of whom five were to be brought in, one, on the recommendation of the non-

[54] *Ibid.*

[55] *Report of the Indian Statutory Commission*, Vol. I, p. 115.

[56] *M. C. Report*, paras 63 and 65.

official members of each of the four provincial councils, and one, on that of the Calcutta Chamber of Commerce. "A species of indirect election was thus inaugurated."[57] This Act also enlarged the functions of the Council to the extent of holding discussions (though not voting) on the annual statement of revenues and expenditure, and also to put questions to the Executive under prescribed conditions and restrictions. The Morley-Minto Reforms of 1909 took another step of advance in representation. It raised the maximum number of the additional members of the Indian Legislative Council from 16 to 60, of whom not more than 28 could be officials, while 27 of the remainder were not only non-officials but were elected. There were now three classes of additional members,—nominated official members, nominated non-official members, elected members. The electorates created by the Regulations under the Act of 1909 may be divided into three classes :—(1) *General* Electorates, consisting of the non-official members either of the Provincial Legislative Councils or of the Municipal and District Boards, (2) *Class* Electorates, comprising of (a) Muhammadan (i.e., Communal) electorates, (b) landholders' constituencies, and (3) *Special* Electorates, consisting of Corporations, the Chambers of Commerce, the Universities, etc. Under the new regulations, of the 27 elected members of the Indian Legislative Council, 13 were to be elected by the non-official members of the Provincial Legislative Councils ; one member from the special landholders' constituencies in each of the six provinces, Bengal, Bombay, Madras, U. P., Bihar and Orissa, and the C. P.; six members by special Muhammadan constituencies,—two from Bengal and one each from Bombay, Madras, Bihar and Orissa and the U. P.,[58] and two by the Chambers of Commerce of Calcutta and Bombay. It should be noted that seats were distributed in the Central Legislative

[57] *Report of the Indian Statutory Commission*, Vol. I, p. 116.

[58] Thus was introduced the principle of communal representation which has since then been so much agitating Indian political opinion up to present time.

Council in such a way as in effect to maintain an official majority, and Lord Morley justified it by declaring that the Governor-General's Council "in its legislative as well as executive character, should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes, and must always owe, to His Majesty's Government and to the Imperial Parliament." The Executive control over Legislative functions remained; Lord Morley had plainly declared on 17th December, 1908: "If it could be said that this chapter of reforms led directly or indirectly to the establishment of a *parliamentary* system in India, I, for one, would have nothing at all to do with it."[59] The functions of the Central Legislature were enlarged by this Act, for it was now given the power of moving resolutions and asking supplementary questions, subject to disallowance by the Governor-General as the ex-officio President. But no further advance in the direction of responsible or parliamentary Government was contemplated. It has been said that the Morley-Minto Reforms "left the Government of India an autocracy; but it was an autocracy which was in touch with popular opinion, though seldom influenced by it . . . But unexpected weakness manifested itself in the course of its working. The official members came to be organised into a *bloc* which voted like an automaton, and opposed non-official propositions whether just or unjust. The non-officials, on the other hand had no function but to criticise; and their criticism, in view of the official *bloc* in the Supreme Council and the majority of official and nominated votes in the Provinces, carried but little weight with the Government."[60]

The authors of the Montagu-Chelmsford Report pointed out the defects of the arrangements of 1909[61] and recommended an overhauling of the whole system in view of the changed

[59] Quoted in *Ibid.*, pp. 118-19.

[60] "Kerala-Putra," *The Working of Dyarchy in India*, p. 7

[61] *M. C. Report*, Chapter IV.

conditions after the Great War. The Government of India Act of 1919 introduced a bicameral system in the Central Legislature, and the old Legislative Council of India was replaced by two chambers, the Legislative Assembly and the Council of State. Each chamber has its own President. The President of the Council of State is appointed by the Governor-General from among the members of the Council ; he can also appoint other persons to preside " in such circumstances as he may desire." The President of the Legislative Assembly was for the first four years appointed by the Governor-General,[62] and then elected by the Assembly with the approval of the Governor-General.[63] There has also been a Deputy President of the Assembly from the beginning, who is elected by the Assembly and approved by the Governor-General. The Council of State continues for five years, and the Assembly for three years. But the Governor-General has the power of dissolving either chamber, or, in special circumstances, extending its life. Every member of the Governor-General's Executive Council must be nominated a member of either of the chambers ; and an executive councillor, if appointed to one of them, has the " right of attending and addressing, though not of voting in, the other chamber also."

The composition of both the chambers has to be fixed according to statutory rules. The Council of State is to consist of 60 members, of whom 34 are to be elected, the rest are to be nominated, not more than twenty being " official members." The Council of State roughly corresponds to the Upper House or Second Chamber of other countries, and is intended to serve as a sobering and revising agency against the hasty legislation or the " radical freaks of a demos." Its franchise is therefore extremely restricted. " Property qualifications have been pitched so high as to secure the representation of wealthy

[62] The First President was Mr. (afterwards Sir) A. H. Whyte, formerly an M.P.

[63] The late Mr. V. J. Patel was its most distinguished elected President.

landowners and merchants ; previous experience in a central and provincial legislature, service in the chair of a municipal council, membership of a University Senate and similar tests of personal standing and experience in affairs qualify for a vote. Electors are for the most part grouped in communal constituencies ; thus there is one member of the Council of State who is elected by the Muhammadans of the Madras Presidency, and four who are elected by the non-Muhammadans of that province. The Sikhs of the Punjab have a member. There is one member elected by the general constituency of Burma, and another by the Chamber of Commerce." Representing mostly the vested interests in the country, the Council of State has an oligarchical character and outlook. All Bills which have to be passed into an Act must receive its assent. So far as its financial powers are concerned, the annual budget is presented before it at the same time as before the Assembly ; it can open a general discussion on the budget and on the financial policy of the State, and the Finance Bill containing all proposals of taxation is sent up to it for its assent and can be accepted, amended or even rejected by it. But the Council of State cannot vote particular grants demanded by the heads of various departments ; this power belongs exclusively to the Assembly.

The Legislative Assembly is the more democratic Chamber in the Indian Legislature, having a clear elected majority. It now consists of 145 members, of whom 105 are elected, 26 are official members and 14 are nominated non-officials. In the last group are the sole representative of the 'Depressed' classes, the sole representative of the Indian Christians, and the sole representative of the Anglo-Indian community, one nominated non-official from the North-West Frontier Province ; another representing Labour interests, and another the Associated Chambers of Commerce. The 26 official members constituting the "official bloc" include most of the members of the Governor-General's Council, important members of the Government of India's Secretariat (such as the Military Secre-

tary and the Foreign Secretary) or nominated representatives of the Provincial Governments.[64] The Legislative Assembly represents different communities, classes and interests in India. The franchise for it is based on high electoral qualifications, which vary in different provinces. All central legislation are to be presented before it as before the Council of State. But if the Governor-General *certifies* that any Bill "is essential for the safety, tranquillity or interests of British India, or any part thereof," then it becomes law on his signature and approval of the Houses of Parliament, even if it is subsequently passed by either of the Chambers, or rejected by both. Instances of the exercise of this power of certification are: (1) in 1922 Lord Reading overrode the Assembly by certifying the Princes' Protection Bill ; (2) & (3) in 1923 and 1924 the annual Finance Bills were certified ; (4) in 1925 the Bengal Criminal Law Amendment Act, certified by the Governor of Bengal, was supplemented by the Governor-General's certificate. Another limitation on the legislative powers of the Central Legislature is contained in Section 67 of the Government of India Act of 1919, according to which the previous sanction of the Governor-General is required for the introduction of any measure affecting,— (a) the public debt or public revenues of India, or imposing any fresh charge on the revenues of India; (b) the religion or religious rites and usages of any class of British subjects in India ; (c) the discipline or maintenance of any part of His Majesty's Military, Naval or Air forces ; (d) the relations of the Government with foreign powers or Native States ; (e) any measure—(1) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under the 1919 Act to be subject to legislation by the Indian Legislature, (2) repealing or amending any Act of a local legislature, (3) repealing or amending any Act or Ordinance made by the Governor-General.

[64] For composition of the Council of State and the Legislative Assembly, consult the tables given in the *Report of the Indian Statutory Commission*, Vol. I, pp. 167-68.

Section 25 of the said Act defines the financial powers of the Indian Legislature, and its language may be quoted here :—

" (a) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian Legislature in each year.

(b) " No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(c) " The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs :—

" (i) interest and sinking fund charges on loans ;

" (ii) expenditure of which the amount is prescribed by or under any law ;

" (iii) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ;

" (iv) salaries of chief commissioners and judicial commissioners ;

" (v) expenditure classified by the order of the Governor-General in Council as—(1) ecclesiastical, (2) political, (3) defence.[65]

" (d) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the

65 Thus the whole of the Army Expenditure is " non-voted." But the expenses for the Civil Secretariat of the Army Department are outside this classification, and also it " has become usual for the Governor-General to give directions which enable Army Expenditure as a whole to be discussed by the Legislative Assembly, though no vote on it can be taken." *Report of the Indian Statutory Commission*, Vol. I, p. 176.

above heads, the decision of the Governor-General on the question shall be final.

"(e) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the Legislative Assembly in the form of demands for grants.

"(f) The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

"(g) The demands as voted by the Legislative Assembly shall be submitted to the Governor-General in Council who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent, or the reduction of the amount therein referred to by the Legislative Assembly.

"(h) Notwithstanding anything in this section, the Governor-General shall have power in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof."

In studying the relations between the two chambers of the Indian Legislature, we should note that in all bicameral systems of legislature, conflicts between the two chambers have been very common, and means have also been provided for getting over consequent deadlock. In India also there are chances of conflicts between the two chambers, "so different in complexion" but having equal status and almost equal powers. So the Government of India Act has provided three "methods for avoiding or composing such differences:"—(1) *Joint Committees*, (2) *Joint Conferences* and (3) *Joint Sittings*. The first means requires a formal resolution in each chamber and each nominates an equal number of members, and it is intended to forestall

differences and to expedite the passage of a particular Bill ; the second measure is adopted when a difference of opinion has already arisen, and in the Joint Conference each chamber is represented by an equal number of members, but no decision is taken ; thirdly, " when the originating and the revising chambers have failed to reach agreement within six months of the passing of the Bill by the originating chamber, it rests with the Governor-General, in his discretion, to convene a Joint Sitting of both chambers, at which those present deliberate and vote upon the Bill in the shape given to it by the originating House, and on the outstanding amendments. The decision there taken is deemed to be the decision of both chambers." Lastly, we should note that when there is a case of conflict between the chambers which is complicated by the disagreement of the Governor-General with either chamber, the Governor-General may prevent the deadlock by using his extraordinary power of certification.

The relations of the Executive to the Legislature may now be briefly stated. The proper articulation of governmental powers is essential in a democratic state ; in England, for example, the battle of liberty has all along been fought with the motto of subordinating the Executive to the Legislature, though in recent times the Cabinet has wielded almost dictatorial powers.[66] As the final goal of British policy in India has been announced to be the progressive realization of responsible government and the development of Parliamentary institutions, one may very well enquire how far the Executive in the Indian Constitution is subordinate to the Legislature or on the way to it. As we have already noted, there was no question of introducing Parliamentary government or of subordinating the Legislature to the Executive in the Councils Act of 1909. The Legislature as created by that Act could only use declamatory rhetoric, which, as late Sir Surendranath Banerjee remarked, " fell on deaf ears, and beat its head against stone walls."

66 Lord Chief Justice Hewart, *The New Despotism*, and Ramsay Muir, *How Britain is Governed*, Chap. III.

Though the Act of 1919 has introduced many changes, yet from strictly legal and constitutional point of view the Governor-General in Council remains responsible only to the British Parliament, and has retained its old autocratic powers. "In short," remarks Mr. Palande, "the citadel of bureaucratic authority, so far as the Central Government in India is concerned, continues to be as strongly fortified as before according to the strict letter of the constitution."[67] But in actual practice, the Legislature after 1919 with democratised composition and enlarged powers often exerts an indirect influence on the Executive. The contact of the members with the elected representatives influences the Government to some extent. Sir William Harcourt once remarked that "the value of political heads of departments is to tell the officials what the public will not stand."[68] Sir Malcolm Hailey, speaking a few years back in the Legislative Assembly, described the Government of India "as having become, after the Reforms, responsive if not responsible to popular opinion, and its actions as having become indicative if not reflective of the popular view point." But the experience of the last few years shows that "even if the quality and the reality of the Legislature's indirect influence be asserted and proved to be great, the fact of its uncertainty and its allowance by mere courtsey detracts to a great extent from its utility and value."[69] Further, as another modern writer[70] has remarked, "the most important characteristic of the Central Government is that it establishes, in a more emphasised form, the anomalous structure of a parliamentary body possessing an elected non-official majority, without ultimate responsibility on any matter. . . . It is given the power to

[67] *Indian Administration*, p. 97.

[68] A. G. Gardiner, *Life of Sir William Harcourt*, Vol. II, p. 897. quoted in *Report of the Indian Statutory Commission*, Vol. I, p. 231.

[69] Palande, *Indian Administration*, p. 99. Compare the recent instance of the Reserve Bank Bill.

[70] "Kerala Putra," *The Working of Dyarchy in India*, p. 96.

vote but no responsibility attaches to its use. An irresponsible vote is the most demoralising of political influences."

The Indian Statutory Commission has on the other hand emphasised the extent of the influence of the Central Legislature on the Central Executive "in all fields of administration and legislation,"[71] and has suggested the following modifications in the Central Legislature[72]:—"(a) The Legislative Assembly, which should be called the Federal Assembly, will be reconstituted on the basis of the representation of the Provinces and other areas in British India according to population. Members representing Governor's Provinces will be elected by the Provincial Councils by the method of proportional representation, which will ensure that members belonging to minority communities will be included in sufficient numbers in the Federal Assembly. Members will be returned from the North-West Frontier Province and other areas outside the Governor's Provinces by methods appropriate to each case. The official members of the Federal Assembly, will consist of such members of the Governor-General's Council as sit in the Lower House, together with twelve other nominated officials. (b) The Council of State will continue with its existing functions as a body of elected and nominated members chosen in the same proportions as at present. Its members, who must have high qualifications, will, so far as they are elected, be chosen by indirect election carried out by provincial Second Chambers if such bodies are constituted, or, failing this, by the Provincial Councils. (c) The existing legislative and financial powers of the two chambers of the Central Legislature will remain as at present, but the Federal Assembly will also have the special function of voting certain indirect taxes, collected by a central agency, the net proceeds of which will fall into a Provincial Fund for the

71 *Report*, Vol. II, pp. 148-49.

72 *Ibid.*, paras 135—179.

purpose of being distributed amongst the different units represented in the Federal Assembly."

Articles 22 to 52 of the White Paper deal with the composition and powers of the Federal Legislature in the proposed Federal Constitution, and articles 53—55 with the Governor-General's extraordinary powers. The Federal Legislature will consist of the Governor-General and two chambers, to be styled the Council of State and the House of Assembly; each Council of State will sit for seven years and each Assembly for five years, unless sooner dissolved. The Council of State will consist apart from the Governor-General's Counsellors, of not more than 260 members, of whom 150 will be elected from British India, not more than 100 will be appointed by the Rulers of States, and not more than ten non-officials will be nominated by the Governor-General at his discretion; the Legislative Assembly will consist, apart from the Governor-General's Counsellors, of not more than 375 members, of whom 250 will be elected to represent constituencies in British India and not more than 125 will be appointed by the Rulers of States. Without going into further details, it may be noted that the proposals of the White Paper with regard to the Central Legislature do not materially modify its status and powers, except in this that some of the members of the Governor-General's (Executive) Council are to be chosen from the Legislature.

SECTION III

The Provincial Government

The first petty possessions of the East India Company grew into the full-fledged British Indian Empire in the course of a century and a half, through a long process of acquisitions and conquests, under varied circumstances. Administrative arrangements for consolidating them therefore followed in successive stages, and division of British India into provinces

could never be made on purely scientific or political principles ; considerations of ethnic, linguistic or cultural groupings, of economic or political units, have subsequently cropped up, and the distribution of the Provinces has many critics nowadays ; but it must be remembered that the piecemeal acquisition of British dominions in India is the chief source of this defect.

The Bombay and Madras Presidencies have remained throughout under a Governor in Council. The Charter Act of 1853 gave authority to the Directors either to constitute a new province with a Governor and Council, or to appoint a Lieutenant-Governor. In 1854 Bengal was placed under a Lieutenant-Governor, and this arrangement lasted in that Presidency till 1912 when it was again raised to the status of a full-fledged Governorship. A Lieutenant-Governor was appointed for the Punjab in 1859. Agra was part of Bengal till 1834 when it was placed under a separate administration under a Lieutenant-Governor as the North-West Province. Oudh was annexed in 1856, and remained under a Chief Commissioner till 1877, when it was merged in the North-Western Province. In 1902 it was renamed the United Provinces of Agra and Oudh under a Lieutenant-Governor, and in 1921 it was constituted a Governor's Province. An Act of 1854 empowered the Governor-General in Council, with the sanction of the Director and the Board, to appoint Chief Commissionerships for newly-acquired territories. Accordingly in 1861 the Central Provinces were formed by combining the Sagar and Narmada districts with the Nagpur territories in one charge under a Chief Commissioner. Berar being leased in perpetuity to the British by the Nizam of Hyderabad was in 1903 linked with the Central Provinces, and in 1920 these became a Governor's Province. Conquests in Lower Burma were placed under a Chief Commissioner in 1862. Upper Burma was annexed in 1886 and was joined to British Burma to form the Chief Commissionership of Burma ; it was placed under a Lieutenant-Governor in 1897, and became a Governor's Province in 1923. Assam was separated from

Bengal and was placed under a Chief Commissioner in 1874. In 1905, by the ill-fated partition scheme of Lord Curzon, Assam with the eastern half of Bengal was converted into a separate province under a Lieutenant-Governor. But when the partition of Bengal was annulled by the King in 1911, Assam was again converted into a Chief Commissionership, but subsequently became a Governor's Province as well. Bihar and Orissa was also along with Assam, separated from Bengal and constituted as a province early in 1912 and was placed under a Lieutenant-Governor, and subsequently under a Governor. The North-West Frontier Province was created in 1901 by Lord Curzon from districts transferred from the Punjab and British Baluchistan, and was placed under a Chief Commissioner ; it received the status of a Governor's Province in April, 1932. British Baluchistan was constituted into a Chief Commissionership in 1889. The small province of Delhi which came into existence on 1st October, 1912, Ajmere-Marwara in Rajputana, Coorg, and the Andaman and Nicobar Islands are administered by Chief Commissioners. At present there are proposals for the creation of new Governor's Provinces (Orissa and Sindh) "requiring heavy subventions for a great many years."[73]

The Reforms Act of 1919 abolished the distinction between Regulation Provinces like Bengal, Madras and Bombay, and the Non-Regulation Provinces like the comparatively lately acquired provinces of the Punjab, Assam, etc. Further, besides the five Chief Commissionerships mentioned above, all provinces have now become Governor's Provinces ; but a distinction has remained in this that the Governors of the three old presidencies are directly appointed from England from men who have not served in India in any capacity while Governors of other provinces are selected from the members of the

[73] Presidential Address of Mr. J. N. Basu at the 13th Session of the National Liberal Federation of India; *vide* also the article on '*Cost of Federation*' in *Calcutta Review*, October 1933.

bureaucracy by the Governor-General and the selection is sanctioned by His Majesty.

The Governor of a province with plentitude of powers and privileges is really the chief authority there. He is the ex-officio President of the Executive Council and can nominate a Vice-President to preside during his absence. Before the Reforms of 1919 he was the ex-officio President of the Provincial Legislature, and though the Reforms have abolished this anomaly, his powers over the Provincial Legislature are still great. He has the power to summon, prorogue or dissolve the *Legislative* Council and to order fresh elections. His permission is necessary for the introduction of private members' resolutions for discussion in the Council. All Bills passed by the Legislature must receive his assent, and he possesses the extraordinary powers of " certification against the Legislature with regard to all Bills including money grants (e.g., certification of the Bengal Criminal Law Amendment Act) and of veto (e.g., Malabar Tenancy Bill and Calcutta Municipal Amendment Bill). It has been also expressly laid down by the Government of India Act of 1919 that no proposal for the appropriation of revenues or other moneys for any purpose can be made except on the recommendation of the Governor.

The Reforms of 1919 have introduced the system of dyarchy or dual government in the Provincial Executive, that is, it now consists of two parts,—(1) the Governor with his Executive Council dealing with '*Reserved subjects*,' (2) the Governor acting with Ministers in relation to '*Transferred subjects*.' The most important of the transferred subjects are:—(a) Local Self-Government, e.g., matters relating to the constitution and powers of municipal corporations and district boards, (b) Public Health, Sanitation and Medical Administration, (c) Public Works, including Roads, Bridges, and Municipal Tramways (except in Assam), (d) Education of Indians excepting certain universities and similar institutions, (e) Agriculture and Fisheries, (f) Cooperative Societies, (g) Excise, excluding cultivation, manufacture and sale or export of

opium (which is a Central subject), (h) Forests, in Bombay and Burma only, (i) Development of Industries, including Industrial Research and Technical Education. The principal Reserved subjects are,—(a) Irrigation and Canals, Drainage and Embankments, Water Storage and Water Power, (b) Land Revenue Administration, including assessment and collection of Land Revenue, Land Improvement, and Agricultural Loans, (c) Famine Relief, (d) Administration of Justice, (e) Police, (f) Control of Newspapers, Books, and Printing Presses, (g) Prisons and Reformatories, (h) Borrowing money on the credit of the Province, (i) Forests, except in Bombay and Burma, (j) Factory inspection, Settlement of Labour Disputes, Industrial Insurance and Housing.

In tracing the history of the Provincial Executive Councils, we find that Pitt's India Act of 1784 provided for the creation in each province of a council of three members including the Commander-in-Chief of the Province, and since then the old Presidencies of Madras and Bombay have been ruled by the Governor in Council; the Bengal Lieutenant-Governorship remained till 1909 without a Council.[74] In 1833 the number of members of the Madras and Bombay Councils was reduced to two, but the maximum number was raised to four in 1909 though the actual number of the members of each of those Councils and also of that then created in Bengal remained three till the Reforms of 1919. The provinces under the charge either of Lieutenant-Governors or Chief Commissioners had no Executive Councils except in the province of Bihar and Orissa created in 1912 after the Partition.

After the Reforms of 1919, there is an Executive Council in each of the Governor's Provinces. The maximum number of Executive Councillors remains four, but it has been laid down in the Act that one of the Councillors must be a man who at the time of appointment had at least twelve years'

[74] Strachey, *India: Its Administration and Progress*, p. 61. Arguments for and against the introduction of a Council in Bengal may be studied in Chesney, *Indian Polity*, pp. 107—17.

previous service under the Crown in India. There is no statute prescribing the distribution of the Executive Councillors between members of different races ; in practice the distribution has been mostly equal. There are four members of the Executive Council in Bengal, Madras and Bombay, and in each case two of these are Indians. In the other provinces there are two Executive Councillors, one of whom is an Indian. All Executive Councillors are ex-officio members of the Legislative Council, but their tenure of office or emoluments do not depend on that body. The Governor presides over the Executive Council, or a Vice-President nominated by him from among the members of the Council. The decision of the majority prevails, the President having a casting vote in case of a tie. But this rule is limited by the provision that "whenever any measure is proposed before a governor in council whereby the safety, tranquillity or interests of his province, or of any part thereof, are or may be, in the judgment of the governor, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the council dissent from that opinion, the governor may, on his own authority and responsibility, by order in writing, adopt, suspend or reject the measure, in whole or in part."

As to the Transferred subjects, "the governor is to be guided by the advice of his ministers, unless he sees sufficient cause of dissent from their opinion, in which case he must require action to be taken in accordance with his advice." The Ministers are normally selected by the Governor from among the elected members of the Provincial Legislative Council and they hold "office during his pleasure." As appears from sub-section 2 of Section 4 of the Act of 1919, the Governor may, in exceptional cases, choose a nominated member or even a non-member, especially when the Council is not sitting. It is also provided that if Ministerial Government cannot work, the Governor-General in Council, "with the

previous sanction of the Secretary of State in Council, may revoke or suspend the transfer of all or any subjects in the province, and thereupon any subjects relapse for the time being into the position of reserved subjects administered by the Governor in Council." But in ordinary practice the Ministers are primarily responsible to the local Legislature for their administration ; their pay and the funds required for their departments are voted by that body ; they are expected to enjoy its confidence and on an adverse vote of that body they have to tender their resignation. Thus we find here an application of the theory of the supremacy of the Legislature over the Executive part of the Government. But the presence in the Legislative Council of a proportion of thirty per cent of nominated members, official and non-official, and of representatives of special constituencies like those of landholders or of communal constituencies like that of the Europeans, "is a solid asset in the hands of the executive." The Ministers are very often more anxious to satisfy this *bloc* than the elected members whose chosen man he is supposed to be. "Responsibility to the Legislature thus tends to be demoralised into subservience to an irremovable executive."[75] The Governor's interference in transferred subjects is also potent ; and the Secretaries, who are theoretically under the Ministers, have direct access to the Governor independently of the Ministers, and they have to keep the Governor informed of every important matter in their respective departments. However, the Joint Parliamentary Committee definitely recommended that the interference of the rest of the Government in the work of the Ministers should be as little as possible, and both the Majority and the Minority Reports of the Muddiman Committee have reiterated this view.[76] The Ministers do not form a corporate body like the Cabinet in England, and there is really no joint responsibility, though something like it has

[75] Palande, *Indian Administration*, p. 142.

[76] *Report of the Reforms Enquiry Committee*, p. 85.

been sought to be established by way of a convention in a few provinces, notably in Madras ; each minister is ordinarily responsible for his own department, and there is no provision in the law for mutual consultation of the Ministers.

Legally speaking, each half of the Provincial Executive is independent of the other, but in actual practice it has not been possible to avoid mutual overlapping of Transferred and Reserved subjects.[77] As a matter of fact the division of subjects into Transferred and Reserved " was, in the nature of things, arbitrary " and did not give " the Transferred Departments autonomy within their own spheres."[78] In his evidence before the Muddiman Committee, Sir K. V. Reddi, the first Minister of Industries in the Madras Government, stated : " I was a minister for Development without the Forests. I was a minister of Agriculture minus Irrigation. As Minister of Agriculture, I had nothing to do with the administration of the Madras Agriculturists Loans Act or the Madras Land Improvement Loans Act." When there is any dispute about the jurisdiction of the Transferred and Reserved subjects, it has to be referred to the Governor whose decision in this matter is final. But in the preparation of budgets the Reserved and the Transferred halves have to be called together by the Governor to hold a joint meeting for providing each section with funds necessary for its administration. There is no separate finance (' purse ') for each department. In cases of differences between the two halves about the allocation of funds, the Governor has the power to decide as he thinks fit. It may be noted that the hope of the Joint Parliamentary Committee and also of Mr. Montagu that the Ministers and the Members should have mutual consultation and expression of opinion, that is, joint deliberation, has not been realised except in Bengal and Madras to some extent.

77 Ibid., p. 153; *Report of the Indian Statutory Commission*, Vol. I, p. 213.

78 ' Kerala Putra,' *The Working of Dyarchy in India*, pp. 43-44.

It should be remembered that the dyarchy was declared to be an experiment before the establishment of full responsible government in the provinces. It was something like a bait of compromise, and its inherent defects, combined with changes in the feelings and political ideas of the Indians, made its successful working impossible from the very beginning.[79] "The widely held view that the Reforms were hollow and disappointing, the Khilafat agitation and the non-cooperation movement, the absence of well-organised political parties in the legislative councils, the existence of communal and caste differences and the formation of political groups on that basis, financial difficulties and the consequent inability of Ministers to show any tangible results, and last but not the least, the inherent defects of the novel machinery of joint government, combined to render dyarchy a failure."[80] The Reforms Enquiry Committee was instituted in May 1924 with ten members under the Chairmanship of Sir Alexander Muddiman, the then Home Member of the Government of India and Leader of the Legislative Assembly, to enquire into the difficulties arising from or the defects inherent in, the working of the Act of 1919 and to suggest future remedies. The following complaints were brought forward before it against the present provincial governments :—

"(1) the impinging of the administration of reserved upon that of transferred subjects and *vice versa* ;

(2) the absence of joint responsibility of the Ministers ;

(3) the absence of joint deliberation between the two halves of the Government ;

(4) the attitude of the permanent officials.

(5) the difficulties in the way of Ministers arising out of the overriding powers of the Governors under the Act ;

[79] Chirol, *India*, p. 258.

[80] Kale, *Indian Administration*, p. 154

(6) the control of the Government of India and the Secretary of State ;

(7) (a) the measure of control exercised by the Finance Department ;

(b) the fact that under the rules the Finance Department is in charge of a member of the Executive Council who is also in charge of the spending departments ;

(c) the disqualification of the Ministers for holding the portfolio of finance by reason of the Devolution Rules."

All things considered, the Muddiman Committee has not condemned the dyarchy as completely unsuccessful or unworkable. As the Governor of the United Provinces declared, it is "a complex, confused system having no logical basis, rooted in compromise, and defensible only as a transitional expedient." But the Indian Statutory Commission has admitted the force of the criticism against the system of dyarchy in the government of the Provinces. It has admitted that the system has not really established the "principle of the responsibility of the Ministers to the Legislature."[81] In its opinion, the "rigid dyarchy is a standing challenge which either ranges Ministers against the reserved half of government or exposes them to the charge of being the subservient tools of the bureaucracy."[82] The Commission has recommended that "provincial dyarchy should come to an end, in the sense that a unitary government should be established," that the conduct of provincial administration as a whole should be entrusted to a provincial cabinet, the members of which would be chosen by the Governor and would have joint responsibility for their action and policy whether they be elected members of the Legislature or not. The constitution of such a provincial

[81] *Report*, Vol. I, p. 213.

[82] *Report*, Vol. II, p. 33.

cabinet would be elastic. "Whether the Governor, when he forms his Cabinet after a general election, will include in it one or more non-elected persons (who would thereupon become ex-officio members of the legislative council and ought to be known as Ministers like their colleagues) is a matter which he will decide acting under the superintendence and control of the Governor-General."[83] The Governor should have special powers of overruling the Ministers in the following circumstances:—" (a) in order to preserve the safety and tranquillity of the province, (b) in order to prevent serious prejudice to one or more sections of the community as compared with other sections, (c) to secure the due fulfilment of any liability of Government in respect of items of expenditure not subject to the vote of the legislature, (d) to secure the carrying out of any order received by the Provincial Government from the Government of India, (e) to carry out any duties which may be statutorily imposed on the Governor personally, such as duties in connection with some service questions and responsibility for backward tracs."[84] Articles 61—73 of the White Paper deal with the Executive in the Governor's Provinces. Article 66 provides that for the "purpose of aiding and advising the Governor in the exercise of powers conferred upon him," there will be a Council of Ministers. The Ministers will be chosen by the Governor, will hold office during his pleasure and must become members of the Provincial Legislature. "The Governor will whenever he thinks fit preside at meetings of his Council of Ministers. He will also be authorised, after consultation with his Ministers, to make at his discretion any rules which he regards as requisite to regulate the disposal of Government business, and the procedure to be observed in its conduct, and for the transmission to himself of all such information as he may direct." He will be declared to have a special responsibility in respect of certain matters, where, if

83 *Ibid.*

84 *Ibid.*, pp. 35-36.

he finds the advice of the Council of Ministers unsatisfactory, he may act as he may think fit, being guided by directions contained in his Instrument of Instructions and also directions, not being inconsistent with anything in his Instructions, of the Governor-General or a principal Secretary of State. But the White Paper Scheme has evoked criticism throughout India and has been regarded as no definite step of advance towards the establishment of a really responsible Government.[85]

The history of the growth and the present position of the Provincial Legislatures is an interesting and instructive study. In tracing the origin of the legislative power of the provinces we find that in 1797 the Presidency of Bengal and in 1807 the Presidencies of Madras and Bombay were authorised to issue independent regulations for their respective jurisdictions. The Act of 1833, however, took away from the Governments of Madras and Bombay the power of independent legislation. But this centralisation of all legislative powers was fraught with defects. Madras and Bombay "complained of the preponderance of authority which Bengal exercised. The huge extent of territory for which a single council legislated made it impossible for matters to be handled with adequate information and experience."[86] Lord Canning thought that a partial return to the system which existed before 1834 "was advisable", and the Indians Councils Act of 1861 restored the powers of legislation to the Madras and Bombay Councils, which were also expanded by the addition of the Advocate-General of each Presidency and other nominated members, not less than four and more than eight, at least half of whom were to be non-officials as was the case with the Governor-General's Council. No demarcation was made between the jurisdictions of the Central and the Local Legislatures respectively ; the "previous sanction of the Governor-General was made requisite for legis-

85 It has been recently condemned by the National Liberal Federation as well.

86 *M. C. Report*, para 59.

lation by the local councils in certain cases, and all Acts of the Local Councils required the subsequent assent of the Governor-General in addition to that of the Governor," and were made subject to disallowance by the Crown. The Governor-General was directed to establish a legislative council for Bengal and was empowered to establish subsequently similar councils for the North-Western Provinces and for the Punjab. In exercise of this power, legislative councils were established in Bengal in 1862, in the United Provinces in 1886, in the Punjab and Burma in 1898, in Lord Curzon's province of East Bengal and Assam in 1905 (to 1912) and in the Central Provinces in November 1913.

But the legislative councils created by the Act of 1861 had none of the features of a legislature in a modern democratic constitution. These have been described by Lord MacDonnel and Mr. Cowell as "committees by means of which the executive government obtains advice and assistance in their legislation, and the public derive the advantage of full publicity being ensured at every stage of the law-making process." The "laws made in the legislative councils" were "in reality the orders of Government." Public opinion, embodied in the Indian National Congress, exposed the inadequacy of the Act of 1861, and the Government thought it necessary to make a move. Hence came the Councils Act of 1892 by which the Legislative Councils were enlarged, an elective element was introduced, and the Councils were given the limited rights of questioning the Executive and of discussing budgets. The "functions of the councils were thenceforward to be more than merely legislative, or merely advisory", and this marked an advance over the earlier measure of 1861.

But events were moving quickly in India marked by the growth of political consciousness and the Indian politicians demanded greater administrative reforms. So another step of advance came with the Morley-Minto Reforms of 1909, which effected important changes in the composition and functions of the Provincial Legislatures. These "were enlarged up to

a maximum limit of 50 additional members in the larger provinces and 30 in the smaller ; and the composition was so generally arranged as to give a combination of officials and nominated non-officials a small majority over the elected members except in Bengal where there was a clear elected majority."[87] The greater part of these additional non-official members were elected either by groups of local authorities, landholders, trade associations or universities. The Muhammadan community was given a special representation (except in the Punjab, Burma, and the Central Provinces) by the addition from two to five members to each council, chosen by the vote of a separate Moslem electorate. Thus was introduced the principle of "communal representation based upon the vote of a separate electoral roll, which has survived to this day and become a cardinal problem and ground of controversy at every revision of the Indian electoral system."[88] No less important were the changes in the functions of the Councils, which were now empowered by this Act to "discuss the budget at length before it was finally settled, to propose resolutions on it, and to divide upon them. Not only on the budget, however, but on all matters of general public importance, resolutions might henceforth be proposed and divisions taken. The resolutions were to be expressed and to operate as recommendations to the executive government."[89] But there were certain matters like the army, foreign relations, Native States, on which no resolutions could be moved, and the right was thus limited.

As we have already noted, Lord Morley had no desire to establish parliamentary and responsible government in India, and the 1909 Act left the Legislatures as "essentially Consultative Committees attached to the Executive."[90] The authors

87 *Ibid.*, para 76.

88 *Report of the Indian Statutory Commission*, Vol. I, p. 118.

89 *M. C. Report.*

90 Ramsay MacDonald, *The Government of India*, p. 89.

of the Reforms Scheme of 1919 justly held that "the reforms of 1909 afforded no answer, and could afford no answer, to Indian political problems. Narrow franchises and indirect elections failed to encourage in members a sense of responsibility to the people generally, and made it impossible, except in special constituencies, for those who had votes to use them with perception and effect. Moreover, the responsibility for the administration remained undivided : with the result that while Governments found themselves far more exposed to questions and criticisms than heretofore, questions and criticisms were uninformed by a real sense of responsibility, such as comes from the prospect of having to assume office in turn. The conception of a responsible executive, wholly or partially amenable to the elected councils, was not admitted. Power remained with the Government and the Councils were left with no functions but criticism."[91] They therefore declared that their first object would be to invest the Legislative Councils with real powers.

This was in tune with Indian national aspirations ; public opinion for a decade had demanded removal of the defects of that imperfect measure, and the Great War had come unexpectedly to change the "philosophy of politics and of life and to prepare the ground for a change of policy and its declaration (1917)." Imperialism had been subjected to severe strain and tests between 1914 and 1919, and statesmen thought it wise to strengthen the confidence of the colonies and dependencies. The Act of 1919 was thus able to make important changes in the composition and functions of the provincial legislatures. The Legislative Council for each Province was now to consist of members of the executive council, and of members either elected or nominated ; 70 per cent of the members being elected members (60 per cent in the case of Burma) and not more than 20 per cent "official members." The number of members of each council became much greater

[91] *M. C. Report,* para 81.

than that of the old legislative councils,[92] and "these numbers may be increased by statutory rules, provided that the statutory proportion between official and elected members is maintained." In other matters also large powers may be exercised by statutory rules. The constituencies are divided into two categories, general and special; the former including non-Muhammadan, Muhammadan, Indian Christian, European or Anglo-Indian or Sikh (in the Punjab), and the latter including Landholders, Universities, Planters, Mining (Planters or Mining in Bihar and Orissa and the Central Provinces) and Commerce and Industries. The question of communal electorates was carefully discussed by the Montagu-Chelmsford Report[93] and it declared that they "were opposed to the teaching of history; that they perpetuated class division; that they stereotyped existing relations; and that they constituted a very serious hindrance to the development of the self-governing principle." Nevertheless the Joint Authors of the Report had to admit the principle of special electorates to the constitution they were framing and to extend it in the case of Muhammadans and Sikhs of the Punjab. Separate electorates were eventually also provided (although not contemplated by the M. C. Report) for Indian Christians, Anglo-Indians and Europeans. Certain seats have further been reserved for other minorities; for example, in Madras out of 65 seats allotted to non-Muhammadans, 28 are reserved for non-Brahmins and in Bombay 7 out of 46 non-Muhammadan seats are reserved for "Marathas and allied castes."[94] Thus, remarks Prof. Kale, "instead of national and provincial or local politics, we now have communal politics."[95]

[92] As provided by the Act of 1909, these were for Bengal, Madras, Bombay, and the United Provinces respectively, 50 members, exclusive of the members of executive councils; under the schedule to the Act of 1919 the total number for Bengal is 125, for Madras and the United Provinces 118 and for Bombay 111.

[93] Paras 227—232.

[94] Vide *Appendix III and Appendix IV of Indian Statutory Commission's Report*, Vol. I.

[95] *Indian Administration*, p. 185.

The Governor nominates the representatives of the backward classes and also of 'organised industry.' Besides 'general' and 'special' constituencies, there is another division between 'urban' and 'rural' constituencies. The franchise for the Councils has been lowered and the normal qualifications of a voter are based on (1) community, (2) residence, (3) occupation of a house, (4) assessment of income-tax, (5) receipt of a military pension, and (6) the holding of a land. Woman suffrage was not directly established by the Electoral Rules; but the legislative councils were given the power to remove the sex barriers, and this has now been done in every province, though the number of women voters is very small.

The functions of the Legislative Councils have been enlarged, and these can be studied under three heads, legislative administrative and financial. Bills intended to be legally applied within a province have to be passed by the Legislative Council, whether it concerns the Reserved or the Transferred half of the Government. The Council can exercise administrative control in three ways—(a) by moving resolutions, (b) by putting questions and supplementary questions, (c) by moving votes of censure against the policy of the Government, and (d) by demanding adjournments of the House "when the House is in session, or a discussion on an important matter of recent occurrence." With regard to the Legislative Council's financial powers it is provided that the budget for the administration of the whole province must be considered and passed by the council. So far as the Transferred subjects are concerned, the Council can cut down or refuse any demand made on behalf of these. "If the Legislative Council rejects a demand for a grant for a transferred subject, the money cannot lawfully be paid unless the case comes within proviso (b) of Section 72D(2) under which the Governor has power, in cases of emergency, to authorise necessary expenditure for the safety or tranquillity of the province or for the carrying on of any department." In the matter of Reserved subjects, the Governor has been given the right of certifying that the expenditure

provided for by the demand is essential to the discharge of his responsibility for the subjects. There are also four items on which the Legislative Council's vote is not required :—(a) the provincial contributions to the Central Government, (b) interest and sinking fund charges on loans, (c) expenditure of which the "amount is prescribed by law," (d) the salaries and pensions of High Court Judges and the Advocate-General of the Province.[96] The power of voting supplies can be exercised by the Council only once a year, and so the check of the Legislature on the Executive through the control of the purse-strings is not operative continuously.[97]

The general powers of legislation of the Council are limited in two ways—(1) it has to take the previous sanction of the Home Government and the Government of India through the Governor for introducing certain Bills, and (2) the laws passed by it are of provincial character. Further, the Governor can certify, veto or reserve for the consideration of the Governor-General, any Bill passed by a Provincial Legislature, if he thinks it necessary for the safety and tranquillity of his Province. The control of the Council over the Transferred Departments is or may be real, but it is only indirectly exerted over the Reserved Departments by resolutions, questions and the reduction of demands or token cuts. In fine, it may be said that though the Reforms of 1919 mark an important step in the growth of responsible Government in the provinces, the Legislature's control over the Executive, which is the most indispensable element in a democratic constitution, has been imperfect.

The Indian Statutory Commission recommended that the provincial legislatures should be based on a widened franchise by almost trebling the existing electorate and by admitting a larger number of women voters. Certain communities should

96 *The Working of Dyarchy in India*, p. 24.

97 *Ibid.*, p. 62.

have separate representation till satisfactory agreement is reached upon a better method ; and there should be reservation of seats for the depressed classes. The Provincial Legislatures should be enlarged and the constituencies should be of a more manageable size. There was no unanimity of opinion among the members about the establishment of Second Chambers in the provinces.

Articles 74—109 of the White Paper deal with the provincial legislatures in the proposed Federation of India. In Bengal, the United Provinces, and Bihar, the Legislature will consist of two chambers to be known respectively as the Legislative Council and the Legislative Assembly ; in other provinces there will be a Provincial Legislature of one chamber, to be known as the Legislative Assembly. The other recommendations do not materially modify the position and powers of the provincial Legislatures. It has been proposed to transfer all the departments in the provinces to ministers responsible to the legislatures, but the extraordinary powers of the Governors and the Governors-General remain intact. The White Paper's plan of communal representation has been criticised in some quarters as 'reactionary' and likely to bring in future political troubles.

The relations between the Government of India and the Provincial Governments should also be considered in this connection. The Government of India has continued to be a unitary Government, with entire responsibility to the Parliament of England for its works, and the provinces having been created to serve administrative efficiency have continued to be dependent on that government. As have been noted in the Montagu-Chelmsford Report "the local governments are 'literally' the 'agents' of the Government of India. Great powers have been delegated to them because no single head could support the Atlantean load. . . . the last chance of making a Federation of British India was in 1774, when Bombay and Madras had rights to surrender. The provinces have no innate powers of their own, and therefore have nothing to surrender

in a *foedus*. The Government of India must give and provinces must receive."[98]

The bonds connecting the Government of India with the Provincial Governments may be studied under three heads:—(1) Finance, (2) Legislation, (3) Administration.

(1) Even after the Acts of 1853 and 1858, finance was centralised in the hands of the Government of India, "which treated the revenues of India as one and applied them to the purposes of the Government of India as a whole."[99] The provinces were denied "any inherent legal right to the revenues which they raised" and "revenues from all parts of the country converged into one reservoir (the Government of India's treasury), and from this reservoir money flowed back in large or small driblets to serve the diverse needs of the administration, including expenditure of the provinces."[100]

This system was full of various defects. The Government of India had a heavy financial burden, and there was no fair distribution of funds among the provinces. Under these circumstances, as Sir Richard Strachey, who made definite proposals for the reform of the system in 1867, wrote at the time, "the distribution of the public income degenerated into something like a scramble, in which the most violent had the advantage, with very little attention to reason, as local economy brought no local advantage, the stimulus to avoid waste was reduced to a minimum, and as no local growth of the income led to local means of improvement, the interest in developing the public revenues was also brought down to the lowest level."[101] The system of financial decentralization was inaugurated by Lord Mayo's government in 1870. Each provincial government was henceforth allowed a fixed grant for the maintenance of certain departments like police, jails, edu-

[98] Para 120.

[99] *Ibid.*, p. 104.

[100] Palande, *Indian Administration*, p. 118.

[101] Quoted in Sir John Strachey, *India: Its Administration and Progress*, p. 121.

cation and the medical services, "with power, subject to certain conditions, to allocate it as seemed best, and also to provide for additional expenditure by the exercise of economy and if necessary by raising local taxes. All the residuary revenues the Government of India retained for its own needs". The next step in this direction was taken in 1877 in the time of Lord Lytton by transferring to the provincial governments the management of certain other new departments like Excise, Stamps, Law and Justice and some others varying from province to province, and by handing over to them the revenues from those specified departments for meeting the expenditure instead of making fixed grants as before. "Here for the first time," remark the authors of the Joint Report, "we meet with a classification of revenue heads into Indian provincial and divided.[102] But the new system did not prove financially successful. "The difficulty of exactly adjusting means to needs remained; and as the revenue from the transferred heads was not ordinarily sufficient for provincial requirements it was supplemented by a percentage of the important head of land revenue, which otherwise remained an all-India receipt. Settlements on these lines were made with the provinces for five years in 1882, and were revised in 1887, 1892 and 1897, not without controversy and provincial discontent. At these revisions no changes of principle were introduced, but the growing needs of the provinces were met by treating land revenue as one of the sources of income divided between the central and the provincial Governments, and further by supplementing the provincial revenues by means of fixed cash assignments adjusted under the same head."[103]

In 1904 there was a new departure. In order "to give the local Governments a more independent position and a more substantial and enduring interest in the management of their resources than had previously been possible," the amount of revenues granted to a province was definitely fixed. Thus

[102] Para 106.

[103] *Ibid.*

the settlements were made quasi-permanent subject to revision only under cases of extreme necessity and "when the assignment was made disproportionate to normal provincial needs." Thus the provincial governments, being relieved from the old uncertain financial policy and from the fear of resumption of the provincial resources by the Government of India, were placed in a better position of freedom in financial matters. This comparative independence naturally created among them an incentive for economy. The Royal Commission of Decentralisation appointed in 1907 enquired into the relations between the Central and the Provincial governments ; it submitted its report in the following year but no radical change took place. It was Lord Hardinge's Government which in 1912 made the settlements permanent, reduced the "fixed assignments" and increased the "provincial share of growing revenues" and curtailed intervention of the central government in provincial budgets.

But in spite of all these measures, the Government of India exercised a very real control over the finances of the provincial governments. Having a share in the revenues, the Government of India had a "strong motive for interfering in details of administration." Further, the Government of India completely controlled all taxation imposed in British India and the provincial governments were not granted the power of borrowing on their own credit. "It seems to us," remarked the authors of the Montagu Chelmsford Report, "that if Provincial Governments are to enjoy such real measure of independence as will enable them to pursue their own development policy, they must be given some powers, however limited, of taking loans."[104] Lastly, the Government of India "exercised control over expenditure in the provinces in the series of the codes of instructions, such as the Civil Service Regulations, the Civil Accounts Code, the Public Works Code and the like." They dealt partly with the "mechanism of

104 Para 111.

finance, such as the maintenance of a uniform system of audit and accounting, the custody of public money, remittances, economy and such matters"; but they also imposed "definite restraints upon the powers of provincial governments to create new appointments or to raise emoluments."[105]

(2) In tracing the history of the Provincial Legislatures we have noticed that, subject to certain restrictions, powers had been delegated to the local legislature of each province to make laws "for the peace and good government of the province." A local council was not competent to "affect any Act of Parliament nor as a general rule to repeal or alter without previous sanction any Act of the Governor-General's legislative council or indeed of any legislature but itself." Further, a provincial council could not consider any law affecting religious usages of any class of British subjects in India, or the regulation of patents and copyrights, or the relations of the Government of India with the foreign powers and the Indian States. Even in other matters, the law-making powers of the provincial councils, though legally unfettered, were limited in actual practice. They were younger institutions than the Governor-General's Legislative Council, and 'a great part of the field' which would otherwise have been open to them was already "covered by the Acts of the elder body," which also "retained a concurrent power of legislation for the country at large,"[106] on matters like Penal and Criminal Codes, laws for prisons and police, for forests, mines, factories and the preservation of the public health. The subsequent assent of the Governor-General was required for every Act of the local legislatures, and all projects for legislation had to be submitted by the local governments to the Governor-General and the Secretary of State for approval. Provincial Legislatures were still in theory only 'enlargements of the executive government for the purpose of law-making.'

105 *Ibid.*, para 112.

106 *Ibid.*, p. 115.

(3) Section 45 of Government of India Act, 1915, distinctly provides for the supreme control of the Government of India over the proceedings of the provincial governments. The Montagu-Chelmsford Report has pointed out that the Government of India's control over the provincial governments was "too general and too exclusive to admit of any analysis" and the Government of India "regarded themselves as distinctly charged with the duty of framing policy and inspiring reforms for the whole of India."[107]

In many ways, India has been one 'single and undivided' country. The main services which carried out the orders of the provincial government were recruited from England on terms guaranteed by the Secretary of State. Then certain matters like the development of trade and industry and science throughout India "favoured the tendency at the headquarters to formulate and pursue a uniform policy." The Government of India, being responsible for the administration of the whole country to the Parliament through the Secretary of State, kept administrative functions with regard to defence, diplomatic relations with the frontier states and the foreign nations, political relations with the Native States, tariff, currency and exchange, the post office, railways and other heads of all-India concern, in its own hands. On other heads, authority and responsibility were shared by the Government of India with the provincial governments in a varying degree. "In the case of such departments, the Government of India functioned, not as a first-hand initiating authority, but as a revising and appellate power." Lastly, it was the consciousness of the moral responsibility for the good government of the whole country and "for the maintenance of the high standard of public and personal conduct" that led the Government of India to exercise close supervision and control over the provinces. "In the absence of popular control their general attitude was right."[108] Lord Dufferin once expressed the view that "it is

107 *Ibid.*, para 118.
108 *Ibid.*, para 119.

absolutely necessary, not merely for the maintenance of our own power but for the good government of the country and for the general content of all classes, and especially of the people at large, that England should never abdicate the supreme control of public affairs, or delegate to a minority or a class, the duty of providing for the diversified communities over which she rules."[109] But there was a strong body of public opinion pressing for decentralisation, and the authors of the Joint Report laid stress upon it. With the introduction of the principle of 'responsible' government in the provinces by the Reforms of 1919, the old state of things have been considerably modified. "We start," wrote the authors of the *Joint Report*, "with a change of stand-point. *If* provincial autonomy is to mean anything real, clearly the provinces must not be dependent on the Indian Government for the means of provincial development . . . . Our whole scheme must be even and well-balanced, and it would be ridiculous to introduce wide measures of administrative and legislative devolution and at the same time to retain a centralised system of finance."[110]

After the Act of 1919 devolution to the provinces was effected by rules made under the Act known as the *Devolution* Rules and approved by both Houses of Parliament. This devolution was to take place in the "Governors' Provinces," and the other parts of British India remained, so far as the devolution of authority from the Central Government was concerned, essentially in the same position as before the Act of 1919.[111] The old divided heads like land-revenue, stamps, excise, income-tax and irrigation, were abolished, and as provided in the Schedule to Rule 3 of the Devolution Rules[112] a distribution was made between "Central Subjects" and "Provincial Subjects." In case of any doubt as to whether a

[109] Lyall, *Life of Dufferin*, Vol. II, p. 203.

[110] Paras 201-202.

[111] *Report of the Indian Statutory Commission*, Vol. I, pp. 124 and 175.

[112] Quoted in *Ibid.*, pp. 126—131.

particular matter does or does not belong to a provincial subject, the final decision rests with the Governor-General in Council. "The principle of discrimination between central and provincial subjects is that, where extra-provincial interests predominate, the subject is treated as central, while on the other hand all subjects in which the interests of a particular province predominate are provincial."[113] Accordingly the Central Subjects numbering forty-seven, comprise, among others, the following:—defence; external relations; relations with the Native States; railways, shipping and navigation; posts and telegraphs; customs; cotton excise duty; salt tax; income-tax; currency and coinage; public debt of India; opium; copyright; inventions and designs; emigration and immigration; archæology; zoological survey; meteorology; botanical survey; ecclesiastical affairs; the Public Services Commission; All-India Services; census and statistisc; criminal law; territorial changes; trading companies and other associations, etc., etc. Among provincial subjects, numbering fifty-two, are,—education (with certain exception); local self-government; medical administration, public health and sanitation; irrigation, land revenue, famine relief, agriculture, cooperation, forests, excise; industries; police and justice; weights and measures, etc., etc.

This classification has been made both for purposes of administration and legislation. So far as administrative control is concerned, it has been restricted only in the transferred sphere, but in the reserved subjects it remains complete. The control of the Central Government over the 'official part' of the provincial governments is exercised very often and fully in the sphere of "Law and Order." But it is understood that consonance with the growth of responsible government in the provinces, the interference of the Government of India even in the Reserved half of provincial administration should be "restricted only to cases of unimpeachable necessity." In

113 *Ibid.*, p. 125.

the transferred half, there is no legal restraint upon the Central Government's power of intervention. It can further co-ordinate with the provincial governments and can give its advice in certain matters. Thus conferences have been arranged at Simla and Delhi where Education Ministers and Directors of Public Instruction, Provincial Excise and Agricultural Ministers, Inspectors-General of Police and Jails, and Finance Members have been summoned. Certain provincial matters like the borrowing and taxing powers of the local self-governing bodies, factories, labour questions, infectious and contagious diseases of men, cattle and plants, and standards of weights and measures are "subject to central legislation."

So far as legislative devolution is concerned, the Provincial Legislatures can legislate without the previous consent of the Governor-General in a small category of provincial matters. But on a specified list of subjects[114], for example, a provincial bill regulating any Central subject,—it cannot legislate even for its own territorial jurisdiction without the previous consent of the Governor-General. This restriction on the powers of the Provincial Legislatures has given rise to much criticism. The Minority Report of the Reforms Enquiry Committee has made certain suggestions for further legislative devolution.[115] It has regarded the Governor-General's veto power as being indispensable from a constitutional point of view; it exists in other constitutions and is 'sparingly used.' About the obligation of the Governor-General's previous sanction it has remarked that the "list of subjects to which it applies at present will have to be carefully revised and the area of its application substantially circumscribed." It has recommended "that the spheres of action with regard to legislation should be carefully defined" as has been done in Canada and Australia; and that on the Canadian model, the esiduary powers should rest with the Central Legislature. The Majority

114 *Vide* ante, section on '*Provincial Legislatures.*'

115 Pp. 169-170.

Report of the Enquiry Committee has also recommended that the undue stringency about the control of the Central Government over provincial legislation should be changed.[116]

In the matter of finance also, the control of the Central Government over the provincial administrations was comparatively relaxed. The Central and Provincial budgets were separated and certain sources of income were allocated to the provincial administrations. The provincial governments were given the power of imposing taxation without the previous sanction of the Governor-General on the following heads :—a tax on succession ; a tax on land utilised for other than agricultural purposes ; a tax on gambling ; a tax on advertisements ; a tax on amusements ; a tax on any specified luxury ; a registration fee ; a stamp duty. They have also been given the power of borrowing for certain specified purposes. The "loans are raised on behalf and in the name of the Secretary of State in Council and on the security of the revenues allocated to the provinces." But restrictions still remained. The Government of India was faced with a large deficit at the beginning of the Reforms and it was decided that the provinces should pay contributions in proportion to their increased revenue so that the budget of the Central Government might be balanced. A Committee, known as the Financial Relations Committee, was appointed with Lord Meston as its President, and it settled the share of each province. It was provided that the "initial contributions were to be reduced or increased over a period of seven years so as to conform to certain 'standard proportions' based on the relative taxable capacity of the provinces, their indirect contributions to the Central Government, the relative incidence of central taxes and other economic factors." This settlement, known as the Meston Award, pleased very few ; the provinces have regarded it as "a crippling levy on their revenues"[117]; and the officials as well as non-officials have

116 Pp. 69—72.

117 *India in 1929-30*, p. 267.

severely condemned it. The first remission could be effected in 1925-26, and it was in his budget speech for 1928-29 that Sir Basil Blackett, Finance Member, announced the "complete and final remission of provincial contributions."

The Indian Statutory Commission has recommended that the process of devolution should be completed by granting the "maximum of provincial autonomy consistent with the common interest of India as a whole."[118] It has recommended that the "superintendence, direction and control of the Governor-General in Council over a Provincial Government should be exercisable only over a field defined by the following categories:—(1) safeguarding of administration of Central subjects, (2) matters which may, in the opinion of the Governor-General, essentially affect the interests of any other part of India, (3) supply of information on any subject, (4) raising of loans, (5) employment of All-India Services in the province, (6) safeguarding of Imperial interests, (7) questions arising between India and the other parts of the Empire."[119] We may compare with this the proposals[120] of the Indian Central Committee, which was appointed to sit with the Statutory Commission but published its report independently six months before the Report of the Statutory Commission appeared:—"(1) We are of opinion that the powers of superintendence and control of the Governor-General in Council should be exercised *only* for such purposes as may be specified; and that whenever there is a difference of opinion between the Governor-General in Council and a Local Government, as to the right of the former to intervene in provincial affairs, the question should be decided in accordance with the decision of a tribunal or body nominated or appointed by the two governments concerned; provided that if and when a Supreme Court is established in India, that body shall be the final judge in such matters. Pending the establishment of a Supreme Court, we would provide

118 *Report*, Vol. II, p. 16.
119 *Ibid.*, p. 151.
120 *Report*, pp. 60-61.

that in case of disagreement between the two governments concerned as to the composition of the tribunal, it should consist of three or more persons holding the office of chief justice in India. (2) We would give to the Governor-General power to supersede a local government and carry on the administration in case of breakdown or inability to maintain law and order in the province. We would not grant a similar power in case of financial insolvency. We would, however, empower the Governor-General to take any steps that he may consider necessary to enforce the payment of any debt due by a local government. Where the Governor-General considers that an order issued by a provincial government should be overruled for the purpose of maintaining peace and tranquillity, he should have the power to do so. Similarly, when no order has been issued by a provincial government, the Governor-General should have the power to issue any order necessary in his opinion for the maintenance of peace and tranquillity in the province concerned." The Committee was also of opinion that two other extraordinary powers should be granted to the Governor-General and Governor-General in Council respectively subject to the approval of the Secretary of State :—(1) "to suspend a provincial legislative council for such period as he may direct," (2) "to take (by notification) any province under the immediate authority and management of the Governor-General in Council." Though the proposed Federation scheme contemplates the expansion of provincial autonomy, the control of the centre over the provinces will remain, in essence, the same as before.

Having thus briefly reviewed the question of decentralization, we may next study the development of Local Self-Government in India which is but another form of decentralization.

Modern researches[121] have established beyond doubt the fact of the existence of village and town governments in India

[121] Dr. R. C. Mazumdar, *Corporate Life in Ancient India;* Dr. Radhakumud Mukherji, *Local Government in Ancient India;* Prof. Aiyangar: *South Indian Administrative Systems;* etc.

from time immemorial. But these disappeared gradually under the pressure of repeated foreign invasions and political and economic disorders, between the sixth and the nineteenth centuries, so that "Local Self-Government, in the legally constituted form in which it now prevails in India, is essentially a product of British rule. The existing system of municipal administration is for the most part of comparatively recent introduction, while local institutions in rural areas are of still later origin, and have been also of slower growth."[122] Ignoring, and thus helping on to decay, the traces of local self-governing institutions and traditions of ancient India, that had survived the uncongenial medieval ages even down to the nineteenth century in British, and more specially Indian, India, has been one of the most remarkable (though largely natural) failures of the British Indian administration. Attempts at revival of the indigenous local self-government are now being made, but the links are lost in many cases.

Dealing first with the municipalities, we find that the earliest attempts in municipal government were made in the three Presidency towns of Calcutta, Bombay and Madras. An order of the Court of Directors in 1687 conferred on the East India Company the power of forming a corporation composed of European and Indian members of the city of Madras for purposes of local self-government. A royal charter of 1727 permitted the establishment of Major's Court with aldermen but no burgesses in Madras, Bombay and Calcutta ; the function of these bodies were judicial rather than administrative.[123] The Charter Act of 1793 empowered the Governor-General to appoint justices of the peace in the Presidency towns from among the Company's servants and other British inhabitants. Besides their judicial duties, the justices of the peace were

[122] Mukherjee, *Indian Constitutional Documents*, Vol. I, Introduction, lxxviii; Government of India's *Memorandum on the Development and Working of Representative Institutions in the Sphere of Local Self-Government*, Vol. V, p. 1056.

[123] *Imperial Gazetteer*, Vol. IV, p. 285.

"expressly authorised to provide for scavenging, watching and repairing the streets," the expenditure on which was to be defrayed "by an assessment on houses and lands."[124] After the passing of the Councils Act of 1861 the system of municipal government was changed by the local legislatures by a series of statutes and henceforth its history has been different in each Presidency.

Before 1842 there was no attempt at municipal organisation and legislation outside the Presidency towns. An Act passed in that year for Bengal proved practically inoperative, and eight years later another Act was passed applying to the whole of India. Under this Act of 1850 and many subsequent Provincial Acts, municipal institutions were established in other parts of India. These Acts "provided for the appointment of commissioners to manage municipal affairs, and authorised the levy of various taxes, but in most Provinces, the commissioners were all nominated, and from the point of view of self-government these Acts did not proceed far enough."[125] A step forward was taken in 1870 by Lord Mayo's Government in connection with its decentralization scheme. It was declared that "local interest, supervision, and care are necessary to success in the management of funds devoted to education, sanitation, medical charity and local public works. The operation of this Resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions, and for the association of Natives and Europeans to a greater extent than heretofore in the administration of affairs." New Municipal Acts were passed in various provinces between 1871 and 1874, a considerable increase took place in the number of municipal bodies in urban areas "with well-marked fields of activity", and the elective principle was extended; but "only in the Central Provinces was popular representation generally and successfully introduced." It was

124 *Ibid.*

125 P. Mukherjee, *Op. cit.*, Vol. I, lxviii.

Lord Ripon, who in his Resolution of 1882 announced a new policy and established Local Self-Government on a liberal basis. He declared the main object of his reform to be "to advance and promote the political and popular education of the people and to induce the best and the most intelligent men in the community to come forward and take a share in the management of their own local affairs and to guide and train them in the attainment of that important object." In pursuance of this policy, Acts were passed in 1883-1884 which greatly altered the nature of Local Self-Government. The election of members of municipal bodies was extended to the number of half or more in each case, and many towns were granted the privilege of electing a private citizen as Chairman or Vice-Chairman. The administration of the Municipalities continued on the general principles laid down then, till 1915, when Lord Hardinge's Government issued another important Resolution declaring their future policy towards Local Self-Government.

The establishment of the Local Boards dealing with local affairs in rural areas is of recent date. These came into existence after the Resolutions of 1870 and 1882 referred to already. The main outlines of Lord Ripon's plan were:— "Firstly, that a network of Local Boards should be formed in country areas, in addition to the Municipal Committees, the area included under each board being so small as to ensure local knowledge and interest on the part of each of the members. Secondly, that all the Local Boards, urban or rural, should, everywhere, have a preponderance of non-official members; thirdly, that the members should be chosen by election whenever it was, in the opinion of the Local Government, practicable to adopt such a plan; fourthly, that there should be a District Board of some kind which should meet periodically to settle matters such as the rate of the land cess, in which the smaller boards have a common interest; fifthly, as to the necessary Government control, they considered that it should be exercised rather from without than from within, and that the Chairman of the Local Boards should, as a rule, and whenever

practicable, be non-official persons."[126] As conditions were not uniform throughout the country, one general system could not be introduced in all the Provinces ; so a large discretion in this matter was allowed to the Local Governments, and the systems introduced by the Acts of 1883—85 in the different provinces differed from one another. The village *panchayets* form the foundation of the structure of local self-government in the district.

A reference may be made here to other local administrative bodies like the 'Improvement Trusts' founded in cities like Calcutta, Bombay, Rangoon, Cawnpore, Allahabad and Lucknow, and the 'Port Trusts.' The former are entrusted with the duty of removing the congestion and improving the health of large cities, and the latter with the control of harbour works, port approaches and pilotage in the chief ports.

The Decentralization Commission of 1909 recommended certain changes in Local Self-Government, and the Government of India in 1915 laid down certain guiding principles, but these did not lead to any practical development in the field. In view of the changed circumstances during the Great War and the criticisms of the Montagu-Chelmsford Report of the then existing system of Local Self-Government,[127] the Government of India issued a Resolution on the 16th of May, 1918, declaring the "policy of the gradual removal of unnecessary Government control and of differentiating the spheres of action appropriate for Government and for Local bodies respectively." It was proposed to make Local bodies as representative as possible and to remove unnecessary restrictions in connection with taxation, budget and the sanction of works and to have elected instead of nominated Chairmen of the Boards.

Under the Reforms local self-government became a transferred subject and the Ministers became responsible for the practical application of the policy. In almost every province

126 *Moral and Material Progress Report,* 1901-1902.

127 Paras 13 and 192.

the legislative councils evinced zeal and interest for the progress of local institutions, and the result has been, broadly speaking, "to make the boards, both municipal and rural, predominantly non-official in all the Governors' provinces and to reduce the control of Government to external supervision by the elimination of the officers of Government from the position of chairmen."[128] The Local bodies have not of course in all cases shown satisfactory work and progress, and their workings have been in recent years subjected to adverse criticism. But the defects in their working have been due not so much to the incapacity of the people to govern themselves as to other obstacles, 'some having origin in the change to a new system, others from the nature of the new organisation, and others again from local or temporary conditions.'[129] The Indian Central Committee has rightly remarked that many of the defects "were the inevitable result of the suddenness with which the transition from official tutelage to complete freedom was made."[130]

[128] *Report of the Indian Central Committee*, p. 23.
[129] *Report of the Indian Statutory Commission*, Vol. I, p. 308.
[130] *Report*, p. 25.

B—THE POLITICAL DEVELOPMENT OF INDIA AND INDIAN NATIONALISM (1821—1933)

The political development of Modern India is but an aspect of the Indian Renaissance of the 19th century. Indian nationalism has been "much more than the agitation of political coteries. It is the revival of an historical tradition, the liberation of the soul of a people."[131] "No reformation," remarks Hegel very rightly, "is possible without renaissance," and it may be added that no revolution in polity can be effected except on the basis of a socio-religious reformation and a wide cultural renaissance. The different phases of Indian life were during the 19th century permeated with the spirit of a renaissance, a great awakening; the efforts of men began consciously to be directed towards the redemption of India from the state of all-round degradation to which she had been reduced during a long process of decline and fall the depth of which had been reached in the 18th century. This spirit of revival and recreation spread from sphere to sphere of the national life, and while deeply affecting society, religion and literature, it passed on into the field of politics and produced a commotion there as well.

The earlier renaissances of the 15th, 16th and 17th centuries, though rich in cultural and religious achievements, had on the political side led only to the rise of independent nation-states like those of the Sikhs and the Marathas, and could not, for various reasons, evolve one national movement embracing the whole of India, Hindu and well as Moslem, orthodox as well as the reformed. The Marathas and Rajputs, for long the ever disappointing hopes of undeveloped Indian nationalism, ceased to make history after 1818, and the belated sprouting of the Sikhs failed to take root after 1839. The last poor fancies of political revival round the phantoms of the Peshwa or the Padishah perished in 1858. A blank was thus created in the first half of the 19th century, and the frustrated

131 MacDonald, *The Government of India*, p. 27.

urge of Indian nationalism sought to realise itself in a novel way, turning away from the barren political results of the earlier Renaissance. The stained pale moon of Indian political life set in the Western lands of India, while in the East of it dawned a new political consciousness: Maharastra went out of the stage, and almost immediately Bengal stepped in to give a new lead. In the 19th century certain factors combined to produce a real Indian National Movement. The first important factor has been the strong British imperialism in India, which has given her political unity under a 'third party' in the midst of various other discordant elements.[132] Secondly, the intimate contact with the West, effected through the exertions of educationists like David Hare, missionaries like Carey, and administrators like Macaulay, brought about a change in the political outlook of the Indians. Western education brought them in touch with the historical and political works of men like Burke, Mill, Macaulay, Herbert Spencer and others, and saturated their minds with the ideas of nationality, liberalism and freedom. Of course, at first "the new wine of Western learning went into the heads of young Indians"[133] and produced disastrous social effects, but the evils proved to be temporary, thanks to the early religious and social reform movements. On minds chastened by reborn religion and literature, the growing acquaintance, through the medium of Western education, with developing political ideas of the West and the stirring history of Western nationalistic movements, impressed the love of civic liberty and national freedom. Moreover, English education furnished India with one of the best aids to national growth, a *Lingua Franca*, which made it possible for representative men from distant and different provinces to know and understand one another better, to interchange views and form common programmes of action. Further, Western Science, by changing and improving trans-

[132] Parker Thomas Moon, *Imperialism and World Politics*, pp. 296-97.
[133] Lord Ronaldshay, *The Heart of Aryavarta*, p. 45.

port and communications, has quickened the pace of national movements, by enabling the leaders of the country to carry on national propaganda with promptness and on a large scale and to come into contact with public men and opinion in other countries of the modern world.

Scholars, poets and religious reformers have also had their share in generating in the minds of the Indians a feeling of regard for and pride in their motherland. Just as the European Renaissance from the 13th to the 15th centuries unfolded before the benighted people of Europe the classical treasures of ancient Rome and Greece, so the study and republication of Ancient Indian lore by the Asiatic Societies and by an unbroken chain of European scholars like Jones, Colebrooke, Max-Müller, Monier-Williams and others and Indian scholars like Rajendralal Mitra, Mahadeo Govind Ranade, Ramkrishna Gopal Bhandarkar, Haraprasad (Banerjee) Shastri and others, "revealed to India herself scarcely less than to the Western world, the majesty and wealth of the Sanskrit language and the historical as well as literary value of the great body of Hindu literature which is the key to India's civilisation."[134] The religious and social reformers of 19th century India, like Rammohan Roy, Devendranath Tagore, Kesav Chandra Sen, Pratap Chandra Mazumdar, Peary Charan Sarkar, Iswar Chandra Vidyasagar,[135] Dayananda Saraswati, Ramkrishna Paramhansa and his great disciple Vivekananda (Narendra Nath Dutta) impressed on the minds of the people the greatness and universality of much of the ancient thought of their country, and thus served to awaken in them a keen desire for national regeneration on the basis of the best in the past. As it has been remarked by Colonel Olcott, Dayananda exercised "great nationalising influence . . . . upon his followers."[136] Mrs. Annie Besant also has pointed out that

134 Sir Valentine Chirol, *India*, p. 80.

135 Sir Surendranath Banerjee, *A Nation in Making*, pp. 6—9.

136 A. C. Mazumdar, *Indian National Evolution*, p. 23.

"it was Dayananda Saraswati who first proclaimed: 'India for the Indians.'" The writings and speeches of Vivekananda also exerted a considerable influence upon young minds in India. "The queen of his adoration," says Sister Nivedita, "was his motherland." "Like Swami Dayananda," writes Herr Kohn, "Vivekananda taught Young India self-confidence and trust in her own strength."[137] The theosophists (much of whose inspiration came from India) like Blavatsky, Colonel Olcott and Mrs. Annie Besant helped the cause of Indian Nationalism considerably by their writings and life's work. The Indian Press and Literature (both English and Vernacular) have also acted as powerful stimulants in arousing national consciousness in the country. We should note here the political influence exerted by papers like *the Indian Mirror, the Hindu Patriot, the Amrita Bazar Patrika, the Bengalee, the Bombay Samachar, the Soma Prakash, the Sulabha Samachar, the Sakklya Prakash, the Marathi Sabodhka Patrika, the Gujrati Daftaram, the Comrade, the New India, the Hindu, the Keshari, the Bangadarshana, the Arya Darshana, the Bandhava* and others.[138] Equally important in this matter are the works of writers like Dinabandhu Mitra, Hem Chandra Banerjee, Nabin Chandra Sen, Bankim Chandra Chatterjee, Ramesh Chandra Dutt, Rajanikanta Sen, Dvijendra Lal Roy, Rabindranath Tagore, Srimati Sarala Devi-Chaudhurani, and others. Bankim's *Ananda Math*, which gave to Bengal and thus to India the famous song '*Bande Mataram*,' has been justly regarded as "The Bible of Modern Bengali Patriotism"; while more than three-fourths of the abundant poetry, songs and music associated with Indian nationalism has been supplied by Tagore and D. L. Roy. Students of history will carefully note that Literature of a creative character has in every country pro-

[137] *A History of Nationalism in the East*, p. 72.

[138] For a comprehensive list of modern papers in India, *vide* the *Indian Year Book*, 1933

foundly influenced the course of politics and notionalicm,[139] and India was not an exception to this.

The origins of nationalism, however, are not only positive in character, but also negative, and oftener than not nationalism grows on rightly or wrongly based national discontent, and in the process of growth destroys and spoils much. Various economic troubles among the masses and growing unemployment among the middle classes have played their parts in fanning the flame of Indian national discontent. Rightly or wrongly, Indian politicians came to believe in an exploitation of India by foreigners, and in a consequent economic slavery of India. The administrative apparatus in India, again, has been excessively top-heavy and costly. Mr. Wilfrid Scawen Blunt observes that " according to Indian opinion, the vice of Indian Finance lies in the fact that in India the Finance Minister looks principally to the interest not of India but of England. Two English interests have to be served first: the Anglo-Indian Administration and English Trade."[140] The famous civilian Sir Henry J. S. Cotton remarked in 1885: " There is no great harm in saying, that the land belongs to State, when the State is only another name for the people ; but it is very different, when the state is represented by a small minority of foreigners who disburse nearly one-third of the revenues received from the land on the remuneration of their own servants and who have no stake in the fortunes of the country."[141] Dr. Macnicol, a Presbyterian missionary in India and a cautious critic, writes : " It is not that we have not won the hearts of this people ; we have not even satisfied their hunger. The one aim that Britain sets before herself in the government of lands like India and Egypt is the bringing to them of a material content. If she has failed to accomplish that, she can boast of no

139 Compare the influence of Literature on Europe before the French Revolution, or before the development of Socialism.

140 *India Under Ripon*, London, 1909, p. 247.

141 *New India*, p. 53.

success, and certainly in India she has not succeeded."[142] Further, the growing differences between the Indians and the Englishmen in India on all vital questions, and the increase in the feelings of racial bitterness between them since the Mutiny, have intensified the national discontent.

Thus a combination of many factors has led to the rise and growth of modern Indian Nationalism. The process has taken more than a century now, and the perception and study of this political development of India is by no means recent. The possibilities of this movement were present in the minds of the ablest British administrators of the early 19th century like Munro, Elphinstone and Lord Hastings. Thus Lord Hastings declared after the fall of the Marathas : "A time not very remote will arrive when England will on sound principles of policy wish to relinquish the dominion she has gradually and unintentionally assumed over this country, and from which she cannot at present recede,"[143] and this conviction was the basis of his supporting the cause of English education and administrative forms in India.

The history of the National Movement in modern India may be conveniently studied under several periods :—(a) 1821—1833, (b) 1833—1859, (c) 1859—1885, (d) 1885—1905, (e) 1905—1914, (f) 1914—1930, and (g) since 1930. Raja Rammohan Roy was not only a great religious and social reformer but he may be justly regarded as the father of the modern Political Movement in India.[144] Being a strong lover of freedom, he held progressive political ideas and he believed that the people of India "have the same capacity of improvement as any other civilised

[142] *The Making of Modern India*, Oxford, 1924, p. 7.

[143] Quoted in Dodwell, *Op. cit.*, p. 224.

[144] For a detailed study about Rammohan's political ideas reference may be made to Prof. B. B. Mazumdar's P.R.S. thesis (to be published by Calcutta University) on *History of Political Thought from Rammohan to Dayananda*, Vol. I, which the author has kindly permitted us to utilise here.

people."[145] Mr. William Adam, a Baptist Missionary associated for some time with the Raja, remarked :—" He would be free or not be at all. . . Love of freedom was perhaps the strongest passion of his soul."[146] He fought hard for a Free Press in India and demanded various advanced political rights for his countrymen. The Serampore Missionaries thus commented on the Raja's written evidence on judicial and revenue systems of India submitted to the authorities in England :—" Raja Rammohan is said to have suggested various improvements, such as the Trial by Jury, Native Judicial Assessors, Joint Judges, Regular Public Registers, Codes of Civil and Criminal law, etc. . . . . should he be instrumental in securing these advantages to the country, not only the present, but every future age will justly consider him a benefactor to the country."[147] The editor of the *Bengal Spectator* wrote in July 1842, " It is to him that we are in a great measure indebted for the concession in regard to the privileges of natives contained in the late Charter (1833)."[148] A batch of politically-minded students of the Hindu College, like Tarachand Chakravarty, Dakshina Ranjan Mukhopadhyaya, Rasik Krishna Mallik, Ramgopal Ghosh and Pearychand Mitra being influenced by the Revolutionary doctrines of " natural rights " and " equality," before Rammohan's departure from India, demanded " radical reforms like abolition of the political power of the East India Company and provision for free and compulsory education."[149] These youngmen and some of the Raja's prominent political disciples[150] like Prasanna Kumar Tagore (1801—1868), Dwarakanath

145 *Centenary Publicity Booklet—No. I* (published under the auspices of the Rammohan Roy Centenary Committee, Calcutta), p. 88.

146 *Ibid.*, p. 78.

147 Quoted from *Samachar Darpan*, 24th March, 1832, in Mazumdar, *Op. cit.*, Vol. I.

148 *Ibid.*

149 *Ibid.*, Chap. II.

150 '*Paricaya*' (a high class Bengali literary Journal) Kartik, 1340 B.S., pp. 189—203.

Tagore (1794—1846), Kishorichand Mitra, Govinda Chandra Datta, and Harish Chandra Mukerjee, who however sought to remove specific grievances through constitutional agitation,—did much to awaken the political consciousness of the people of Bengal during the period from November 1830, when Rammohan sailed for England, to June 1861, when Harish Chandra Mukerjee died.[151] During the fifties and the latter half of the 19th century a number of prominent Bengalis like Dwarakanath Vidyabhusan (1820—1886), a notable journalist who edited the *Soma Prakash* since 1858, Kristodas Pal (1838—1884), Rev. Lal Behari De, Bholanath Chandra (1822—1910), Sisir Kumar Ghosh (1840—1911), Bankim Chandra Chatterjee, and Sir Asutosh Mukerjee and others helped in various ways the evolution of Indian Nationalism. Bankim's novel, *Anandamath,* which has been described as the 'Bible of Modern Bengali Patriotism,' gave to the public the well-known patriotic song *Bande Mataram,* which has become later on the Indian national anthem. Bankim through his writings[152] developed the idea of nationalism as part and parcel of religion and deeply stirred the young minds of Bengal.

The Mutiny marks a turning point in the history of the National Movement of India as a whole. Whether we view it as a national or a military rising, this much is certain that it served to engender a feeling of distrust of Indians in the minds of Englishmen in India. Before the Mutiny, the British administrators like Meadows Taylor and Munro (as we know from their autobiography and letters respectively) lived in cordial

[151] Mazumdar, *Op. cit.,* Chapter III; Centenary Publicity Booklet, No. I, pp. 124—32.

[152] Bankim's political ideas are found in the following works:—(a) A popular literature for Bengal, 1870; (b) Bangadarśaner Pratham Sucanā, 1279 B.S.; (c) Bhāratavarṣa Parādhīn Kena, 1279; (d) Baṅgadeśer Kṛṣak, 1279; (e) Svādhīnata-o-Parādhīnatā 1280; (f) Sāmya, 1280; (g) Kamalākanter daftar: 1280—93; (h) Bāṅglār Itihās, 1281; (i) Bāngalā śāsaner kāl, 1281; (j) Bāhubala-o-Bākyabala, 1284; (k) Manuṣyatva ki, 1294; (l) Lokaśikṣā, 1285; (m) Bāṅgalār Itihāser Bhagnāṁśa, 1289; (n) Ānandamaṭh, 1289; (o) 1290; (p) Dharmatatva, 1291; (q) Kṛṣṇacaritra, 1293.

relations with the Indians ; but in the years following the Mutiny, wrote Frere, a contemporary observer, to Sir Charles Wood, " the old sympathy with India changed to a feeling of repugnance ; the old spirit of content with life and work in India, the old inclination to regard things in an Indian rather than an English light, gave place to a reluctance to stay in India longer than one needs must and a disposition to judge things by an emphatically English standard."[153] Thus also, in the words of the authors of the Lindsay Report,—" considerations of seniority became the primary, if not determining, concern in state policy. The former political liberalism of the administration tended to disappear almost completely, and while reforms, such as Lord Ripon's scheme of local self-government, were accepted, they were rendered more or less inocuous by the safeguards on their working."[154] Referring to this change, Sir Henry J. S. Cotton remarked : " It is a grave position to which we have drifted, for the change is complete and the tension is acute."[155]

This had naturally a reaction on the Indian mind,—" inevitably in the direction of a growing resentment at the disappointment of all the hopes England had raised in Young India and at the frustration of all fruition of the gallant and remarkable efforts an anglicised Indian intelligentsia had been making."[156] Thus Renascent and modernised India suffered for the folly of decadent medieval India, and because the supporters of the lost cause of Marathas and Moghals mutinied, the supporters of the ideal of a New India after the model of England met with rebuff and hostility. The undercurrents of discontent already generated by Dalhousie's annexations began to spread to wider Muslim as well as Hindu circles after the failure and the suppression of the Mutiny, and in fact we may

153 Dodwell, *Op. cit.*, p. 250.

154 *Report of the Commission on Christian Higher Education in India*, Oxford, 1931, p. 34.

155 *New India*, London, 1885, p. 51.

156 *Zacharias, Renascent India*, London, 1933, p. 99.

trace the birth of extremism in India from this time. The Muslim stream of underground discontent emerged to view in several geysers, chiefly the Wahabi movement, the followers of which "resented the loss of the supremacy which their forefathers had enjoyed, and hoped to destroy as enemies of Islam the aliens who had seized it."[157] In 1863 the Ambela expedition under Sir Neville Chamberlain proceeded to suppress a band of Muslim fanatics (who had been receiving help from interior Hindusthan) at Sittana, some fifty miles above Attock on the right bank of the Indus.[158] Referring to this movement Bartle Frere wrote to Canning that it was "an evident offshoot of the discontent which lost its chosen leaders in the Nana. Tantia Topee, etc., and which still smoulders in Central India and the Maratha country. From all I can learn, any spark, such as a war in Europe or America, would have been followed by a number of concerted but separate insurrections in all parts of India between the Vindya Mountains and the Towchundra."[159]

Racial antagonism and national discontent thus engendered continued to be fed up by a number of events during the administration of Lord Lytton,—like "the wanton invasion of Cabul . . . followed by the Second Afghan War; the large increase of the army under the hallucination of the Russian bugbear, the costly establishment of a 'scientific frontier,' the complete disarming of an inoffensive and helpless population, although the Eurasians were untouched; the gagging of the Vernacular Press (1878); the sacrifice of the import cotton duties as a Conservative sop to Lancashire; and the unmerited and undignified rebuff administered by the Viceroy personally to a leading association in the country. . . ."[160] All these combined to stir national sentiment in India to a considerable

[157] *Cambridge History*, Vol. VI, p. 169.

[158] "*Events Leading to the Ambela Expedition*," 1863, by R. R. Sethi, published in the *Journal of the Punjab University Historical Society*, December 1933.

[159] Quoted in Dodwell, *Op. cit.*, pp. 253-54.

[160] A. C. Mazumdar, *Indian National Evolution*, pp. 28-29.

degree. Sir William Wedderburn told Blunt[161] that "the state of things at the end of Lord Lytton's 'reign' was bordering upon revolution." Local Associations for representing and advancing Indian views and interests had for some years been coming into existence, such as the *Anjuman* at Lahore, the *Sārva-Janik Sabhā* founded at Poona in 1870 working under the able guidance of Ranade and Joshi[162] and the British Indian Association in Calcutta, which held pretty advanced and admirably reasoned political views as early as 1852 when it petitioned the British Parliament on the subject of administrative and constitutional Reforms.[162a] The British Indian Association was, however, "essentially and by its creed an Association of landholders,"[163] and the need was soon felt of a more democratic body. Mr. (afterwards Sir) Surendranath Banerjea, one of the greatest political leaders of modern India, who had joined the Indian Civil Service in 1871 but had to give it up a year later and had taken up educational work, was then trying, as he has himself explained, through his teachings and utterances, "to kindle in the young the beginnings of public spirit, and to inspire them with a patriotic ardour, fruitful of good to them and to the motherland."[164] After a year's efforts Surendranath, with the assistance of Ananda Mohan Bose and Dwarakanath Ganguli, succeeded in establishing the Indian Association on 26th July, 1876. A few months before this had been started an-

161 *Op. cit.*, p. 216.

162 Kellock, *Mahadeva Govinda Ranade*, p. 25.

162a *Vide* the reprint of this rare document in B. B. Mazumdar's P. R. S. Thesis on Growth of Political Thought in India from Rammohan recently published by Calcutta University.

163 Sir S. N. Banerjea, *A Nation in Making*, p. 40.

164 *Ibid.*, p. 35. He remarked in one of his speeches: "Political work is more or less ephemeral, though none the less highly useful. Educational work has in it the elements of permanent utility. The empire of the teacher is an ever-enduring empire, which extends over the future. The teachers are the masters of the future. I cannot think of a nobler calling than theirs. Theirs is a heaven-appointed task, a sacred vocation."

other association called the Indian League, of which the moving spirits were Sisir Kumar Ghose (of the *Amrita Bazar Patrika*), Sambhoo Chunder Mookerjee (of the *Rais and Rayyet*) and Motilal Ghose, but it soon ceased to function and its leading members joined the Indian Association, which "soon focussed the public spirit of the middle class, and became the centre of the leading representatives of the educated community of Bengal."[165] Within a year of the foundation of this Association an opportunity presented itself for greater political agitation. The reduction of the age limit for entrance to the Indian Civil Service from 21 to 19, by orders of the Marquis of Salisbury, then Secretary of State for India, was regarded as a "deliberate attempt to blast the prospects of Indian candidates" for the highest public service, and it was decided at a meeting of the Indian Association held on 24th March, 1877, in the Town Hall of Calcutta under the presidency of Maharaja Sir Narendra Krishna Bahadur to organise an all-India national protest against it by uniting all the provinces "through a sense of common grievance and the inspiration of a common resolve."[166] With this object Surendranath undertook two tours, one (1877) in Northern India and the other (1878) in Western and Southern India. As a result of this campaign an all-India memorial praying for raising the age for the open competitive examination to twenty-two years and for holding simultaneous examinations in India as well as in England was sent to the House of Commons through Lal Mohan Ghose, as the representative of the Indian Association,[167] and was attended with considerable success. Thus the efforts of the educated Indians had been creating new hopes and aspirations among them during the reactionary government of Lord Lytton ; as

[165] *Ibid.*, p. 42.

[166] *Ibid.*, p. 44.

[167] *Ibid.*, pp. 52—55. Maharani Svarṇamayī, the 'Lady Bountiful' of Cassimbazar, contributed a substantial sum towards the expenses of this mission.

Sir S. N. Banerjea has remarked, " In the evolution of political progress, bad rulers are often a blessing in disguise."[168]

The administration of his successor Lord Ripon, who was the nominee of Mr. Gladstone and a friend of Indian Nationalism, was marked by a distinct development of the Indian Political Movement. Gladstone had thus declared the Liberal creed with regard to Indo-British relations: " Our title to be in India depends on a first condition, that our being there is profitable to the Indian nation ; and on a second condition that we can make them see and understand it to be profitable." Ripon, " a transparently honest man "[169] and possessed of moral earnestness, believed in the capacity of the educated Indians for self-government, and also in the necessity of imparting them further political training, as is clear from his Local Self-Government Bill. As Chancellor of the Calcutta University he declared before the students that " the time was fast approaching when popular opinion even in India would become the irresistible and unresisted Master of the Government," and " no Viceroy," remarks Sir Surendranath, " has done more to promote this blessed consummation."[170] He repealed the Vernacular Press Act of Lytton and earned the gratitude of the Indian Journalists. But Indian hopes soon received a check through " the astonishing blunder of the Ilbert Bill."[171] This Bill drafted by Sir C. P. Ilbert, the Law Member of the Viceroy's Council (1883), provided that Indian magistrates and judges should have jurisdiction over Englishmen in the country districts. Lord Ripon sought thus to take an important step towards abolishing " judicial disqualifications based on race distinctions." But the Europeans in India raised a furious protest against this change which was on the other hand

168 *Ibid.*, p. 63.

169 Blunt, *Op. cit.*, p. 3.

170 *A Nation in Making*, p. 66.

171 Sir S. N. Banerjee writes that a note submitted by Mr. B. L. Gupta, I.C.S., who was then Presidency Magistrate of Calcutta, " became the genesis of the Ilbert Bill Controversy." *Op. cit.*, p. 72.

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enthusiastically supported by Indian opinion. The Viceroy was almost was almost boycotted by his countrymen ; they formed a European Defence Association with its branches in different parts of the country and raised fund of Rs. 150,000 " to protect the caste privileges of the White Race."[172] The Government had at last to submit to a compromise which provided that Europeans brought before District Magistrates or Session Judges (whether Indians or Europeans) could claim to be tried by a jury, half of whom were to be Europeans. As this privilege was denied to the Indians, the compromise meant an abandonment of the principle of the bill. The Ilbert Bill proved to be a blessing in disguise for the cause of Indian Nationalism. The fight over it, the attitude of the Europeans, and its defeat left " a rankling sense of humiliation in the mind of educated India "[173]; it increased racial bitterness, led to the growth of national discontent and convinced the politically-minded Indians of the necessity of having a more powerful organisation for national work. " The passionate claim of the European to predominance," remarks Prof. Dodwell, " was to be answered by the passionate claim of the Indian to equality."[174]

Already in 1881 in the Mysore State,[175] Dewan Rangacharlu (1831—1883) had held a Representative Assembly,—" a popular machinery devised deliberately to bring the masses into cooperation with administrative machinery." The Bengal group of political workers under the leadership of Surendranath Banerjea launched an agitation for the creation of a National Fund, and a National Conference was held in Calcutta for three days, from December 28 to 30, 1883. On the 1st of March of that year Allan Octavian Hume, a distinguished British officer, who had resigned his service in 1882, had addressed an open letter to the graduates of the Calcutta

172 Zacharias, *Op. cit.*, p. 110.

173 Banerjea, *Op. cit.*, p. 86.

174 *Op. cit.*, p. 261.

175 K. T. Paul, *The British Connection with India*, p. 775.

University urging them to form an association " for the mental, moral, social and political regeneration of the people of India —a little army *sui generis* in discipline and equipment."[176] This letter produced a deep impression on educated Indians, and in the month of December 1884, representatives from all parts of India, who had come to attend the annual convention of the Theosophical Society at Adyar in Madras, resolved to " form themselves into a group of provisional committees, men from different towns to win others, each in his place, and to meet later for further consultation."[177] These forces brought into existence the Indian National Congress. While on December 25, 26, and 27, 1885, the National Conference met again in Calcutta, simultaneously the Indian National Congress consisting of a smaller group of seventy delegates held its first sitting in Bombay on 27th December under the presidency of Umesh Chandra Banerjee (better known as W. C. Bonnerjee). It should be noted here that besides conducting the Indian National Congress the Bengal political workers held the first Provincial Conference for Bengal in 1888, and this example was followed by the other provinces as well.[178] The efforts and motives of Hume, who has been justly styled as the " Father of the Indian National Congress," were sincere and admirable ; he was perhaps guided by a conviction that there cannot be a great abiding empire without a great people, and that the people cannot be great by being always kept under a state of tutelage. Besides preparing the ground in India before the opening of the Congress, he also went to England to secure the sympathy of friendly public men there for the proposed political institution and tried his best to guard " the British public against all possible misrepresentation, suspicion and distrust to which the new organisation was naturally

176 *Allan Octavian Hume, C.B., Father of the Indian National Congress,* by Sir William Wedderburn, London, 1913, p. 52.

177 Mrs. Besant, " *How India Wrought Her Freedom,*" p. 1.

178 S. N. Banerjea, *Op. cit.*, p. 99.

exposed."[179] He returned to India just in time to attend the Congress as one of the Bengal representatives. The names of some of the talented and eminent Indians who took part in Congress work during its early days may be mentioned here: Surendranath Banerjea, W. C. Bonnerji, Dadabhai Naoroji, Pherozeshah Mehta, Dinshaw Wacha, Badruddin Tyabji, K. T. Telang, M. G. Ranade, B. G. Tilak, G. K. Gokhale, A. M. Bose, Rash Behari Ghose, Motilal Ghose, B. C. Pal, Arabinda Ghose, Ayodhyanath, Madan Mohan Malaviya, Lajpat Rai, Subrahmanya Iyer, Sankaran Nair, Ananda Charlu, etc.

Space will not allow a detailed narrative of the history of the Congress, but a very brief review will not be out of place. The early relations between the Indian National Congress and the Government were cordial. When Hume consulted Lord Dufferin, the successor of Lord Ripon as the Viceroy of India, about his plans, the latter declared "that he found the greatest difficulty in ascertaining the real wishes of the people and that it would be a public benefit if there existed some responsible organisation through which the Government might be kept informed regarding the best Indian public opinion."[180] Many liberal-minded Anglo-Indian officials and non-officials, like Hume, Sir William Wedderburn, Sir Henry Cotton, George Yule, Eardley Norton, and others, attended the meetings of the Congress and took an active part; while Lord Dufferin in 1886, and Lord Connemara in 1887, actually invited the members of the Second and Third Congress held respectively in Calcutta and Madras as "distinguished visitors" to garden parties at Government House[181]; the first two presidential addresses therefore naturally contained sentiments of confidence and faith in the British Government. But this attitude of friendliness was vitiated very soon. In 1888 Sir Auckland Colvin assailed the Congress, and Lord Dufferin, hitherto well-disposed, criticised

179 Mazumdar, *Op. cit.*, p. 50.

180 Wedderburn, *Op. cit.*, p. 60.

181 Zacharias, *Op. cit.*, p. 115; MacDonald, *Government of India*, p. 5.

its programme in his speech at the St. Andrew's Dinner in Calcutta in 1887, and referred lightly to the educated community as a "microscopic minority." In 1890 the Government officially declared that the Congress belonged to that class of conferences which private individuals might attend, but from which "Government officials are necessarily debarred."[182] The Congress thus developed into an "Opposition to the Government,—not a friendly consultative Opposition but an Opposition which challenged the status and the authority of the Government."[183]

Muslim attitude towards the Congress is an important point for study. Sir Saiyad Ahmad (1817—1898), an eminent leader and reformer of the Muslim community in India, and a strong believer in the "catholic nationality of India,"[184] was yet of opinion that in the then state of Indian politics the changes proposed by the Congress would be opposed to the interest of the Muslims who formed a minority. He therefore decided (1885) to keep his community aloof from the Congress, and three years after stood in definite opposition to that body: in 1888 he started the Patriotic Association "as a counterblast to the Congress,"[185] and followed it up by founding in 1893 the Upper India Muhammadan Association. It cannot be said, however, that the whole Muslim community was opposed to the Congress; there were from the very beginning some who associated themselves with the Congress. Out of 702 delegates attending the sixth conference held in Calcutta in 1890, 154 or 22 p.c. were Muhammadans.[186] Justice Badr-ud-din Tyabji of Bombay was Congress President in 1887, and

[182] MacDonald, *Op. cit.*, p. 6.

[183] *Ibid.*

[184] He wrote in 1884: "In the word Nation I include both Hindus and Mohammedans because that is the only meaning which I can attach to it."

[185] Zacharias, *Op. cit.*, p. 120; Banerjea, *Op. cit.*, p. 108.

[186] Sir Verney Lovett, *A History of the Indian Nationalist Movement*, p. 43.

Rahamatulla Mohammad Sayani (1847—1902), another prominent Moslem of Bombay, presided over the Twelfth Congress held in Calcutta in 1896, and in that capacity he declared: "It is imagined by some persons that all, or almost all, the Moslems of India are against the Congress movement: this is not true. Indeed by far the largest part do not know what the Congress movement is." The Congress, however, pursued its course. A British Committee of the Indian National Congress was founded in London; in 1890 it published a journal of its own (*India*) which in 1892 became a monthly, and in 1896 a weekly paper.

From the very beginning, the Congress agitated for constitutional and representative Government. Its first meeting passed resolutions demanding "the reform and expansion of the supreme and the existing local legislative councils by the admission of a considerable proportion of elected members," "the creation of similar councils for the N. W. Provinces and Oudh, and also for the Punjab," and the right of discussing the budget and questioning "the Executive in regard to all branches of the administration." It demanded besides other things the abolition of the Council of India as being the "necessary preliminary to all other reforms," and the holding of simultaneous examinations in England and India for admission into the Indian Civil Service. It also proposed the appointment of a Royal Commission in order to ascertain means for the introduction of representative institutions into India. The Bombay Congress of 1889 was visited by Mr. Bradlaugh (M.P.) and it was resolved there to send a deputation to England "to represent the views of the Congress and to press upon the attention of the British public the political reforms which the Congress advocates."[187] The members of the deputation, namely, Hume, Ferozeshah Mehta, Monomohan Gose, W. C. Bonnerjea, Sharifuddin, Eardley Norton, R. N. Mudholkar and Surendranath Banerjea, had to pay their own expenses, but

[187] S. N. Banerjea, *Op. cit.*, p. 111.

their mission was successful in the sense that they were able to produce an impression upon some enlightened minds (including that of Gladstone) in England. True to his promise Bradlaugh introduced a Bill in the English House of Commons in 1890 for amending the Indian Councils Act of 1861, but he was unsuccessful, and his death next year was a setback. A Government Bill was, however, passed tardily under the name of the Indian Councils Act of 1892, the provisions of which had been outlined by Lord Dufferin before his departure and which reformed and expanded the Councils to some little extent.[188]

The year 1892 marks a turning point in the history of the Indian National Movement. We shall notice henceforward the rise of Religious Nationalism or Extremism and Revolutionary Nationalism or Terrorism. The leaders of each school were at first[189] opposed to the Westernisation of India, and aimed at securing her complete independence and at restoring her 'pristine purity and ancient glory and prosperity.' The factors which led to the rise of Extremism and Terrorism have been thus summarised by a present-day writer :—" (1) the influence of certain external factors like the defeat of Italy by Abyssinia in 1896 and more particularly of Russia by Japan in 1905, the achievement of national unity and independence in Italy under the inspiring leadership of Mazzini, Garibaldi and Cavour, and the nationalistic attempts in Russia, Egypt, Persia and Turkey ; (2) the unpopular acts of the British administration in India, especially under Lord Curzon, such as the passing of the Age of Consent Act, 1891, the Calcutta Corporation Act, 1899, the Indian Universities Act, 1904, the Official Secrets Act, 1904, the carrying out of the Partition of Bengal in 1905, the undertaking of a costly expedition to Tibet and the search for a scientific Frontier in the North-West involving difficulties with Afghanistan and a substantial increase in military expenditure,

188 *Vide*, ante.

189 Later Extremists and Revolutionaries have mostly made friends with the West.

the despatch of Indian troops to South Africa and China, etc.; (3) the visitations of natural calamities like famine and plague and the measures taken to meet them ; (4) the anti-national outlook shown by the Government in dealing with economic questions, such as the exclusion of Indians from higher appointments in their country, the levying of countervailing excise duty on Indian cotton goods, and the manipulations of the exchange policy ; (5) the display of racial arrogance, insolence and bad manners by Anglo-Indians, leading to unfortunate conflicts and murders, and the miscarriage of justice in such cases ; (6) the unjust and humiliating treatment meted out to Indians in the colonies, especially in Transvaal and Natal ; (7) the awakening of the people caused by the new intellectual and religious forces by education in schools and colleges, by propaganda and agitation through the press and the platform, by personal contact at congresses and conferences, and by the work of religious reformers and associations ; and (8) the failure of the Indian National Congress in getting Indian wrongs redressed and Indian demands fulfilled by old methods, i.e., by holding annual sessions, delivering reasoned speeches, passing resolutions and addressing petitions to the House of Commons and the British nation."[190]

The instalment of reforms released by the Act of 1892 did not satisfy the hopes of the younger members of the Congress, and they soon thought the mild methods of the Congress,—its "moderation and loyalty,"—to be insufficient for securing the political freedom of their motherland. It was at Poona that this extreme section of the political workers first found a field for work ; later on it spread to Bengal and the Punjab. The Deccan, which had in the days of Mughal Imperialism produced a national hero in the person of Shivaji the Great, now also supplied the first leader of the Extremists, —both by way of a Hindu reaction. Bal Gangadhar Tilak was a

[190] G. N. Singh, *Landmarks in Indian Constitutional and National Development*, 1600—1919, pp. 260-61.

man of remarkable intelligence and culture, belonging to that section of the Deccani Brahmans called the Chitpavans to which belonged the Peshwas of the eighteenth century. An eminent scholar with mastery over Sanskrit, Marathi and English, of versatile talents, a powerful journalist, and above all a man of high moral character, Tilak was "prepared to vindicate and uphold the whole Brahmanical position as the one real bulwark of Hinduism and the only sure foundation of an Indian nationhood capable of overthrowing the political as well as the spiritual domination of the West."[191] He proceeded to utilise "the Hindu gods and heroes to instil a new life and a new spirit in the people,"[192] and so inaugurated the celebration of the Ganapati festival in 1893 and of the Shivaji festival in 1895. He bitterly opposed (apparently from the points of view of religious nationalism and political expediency) Lord Lansdowne's Age of Consent Bill of 1890 introduced for raising the age of consummation of Hindu marriages from ten to twelve, though it had been supported by such patriotic and learned men as Telang and Bhandarkar, and strongly denounced the latter in his vernacular journal the *Kesari*. While it was clear that the nationalism of Tilak's school was much too narrow in basis and outlook to finally suit modern India, for the time being it proved a force to reckon with. One important feature of Tilak's work was that he tried to initiate the students into the virtues of disciplined action and physical training so that they might develop the necessary grit for organised political struggles. Two dire natural calamities—famine and plague,—"seemed to help his designs." Blunt had remarked ten years ago: "Agricultural distress is the major premise of revolution in India, and political education, unaccompanied by political power, its minor premise."[193] When a famine broke

[191] Chirol, *India*, p. 97. This author has described Tilak in another book (*Indian Unrest*, pp. 40-41) as "one of the most dangerous pioneers of disaffection" and "truly the Father of Indian Unrest."

[192] G. N. Singh, *Op cit.*, p. 301.

[193] *Op. cit.*, p. 255.

out in 1896, Tilak with his knowledge of the Irish Land League started something like a no-rent campaign amongst the Deccan peasantry.[194] The famine was followed quickly by an outbreak of bubonic plague, which produced a havoc in the western parts of the Bombay Presidency. The Bombay Government in spite of its sincere desire to save the people from this terrible disaster hurriedly took recourse to measures which proved to be 'ineffectual' and unpopular.[195] "Persons suffering from the disease were separated from persons not attacked with it; house to house visitations were resorted to; and in Poona it was for some time considered necessary to employ British soldiers on search parties."[196] All these keenly stirred popular opinion, and Tilak who had so long cooperated with the Government in relief works now charged the "British soldiers with every sort of excess"[197] and imputed "not merely to subordinate officials but to the whole Government itself deliberate direction to oppress the people."[198] Unfortunately, on 22nd June, 1897, the date of the Jubilee Celebration of Queen Victoria, Mr. Rand, the Plague Officer of Poona, and his associate Lt. Ayerst of the British regiment on duty were murdered by two Chitpavan Brahman brothers, Damodar and Balkrishna Chaplekar, who were subsequently tried and executed. They had founded in 1895 a society in Poona for physical and military training called the "*Society for the removal of obstacles to the Hindu Religion,*" and this society was responsible for several other violent acts. The Government came forward to suppress the growth of the Revolutionary Movement by repression. Tilak was arrested for sedition on 27th July, 1897, and imprisoned for eighteen months, six months of his sentence being subsequently remitted. The printer of the *Kesari* and the editors of the

194 Athalye: *The Life of Lokamanya Tilak*, pp. 84-85.

195 Dodwell, *Op. cit.*, p. 269

196 Lovett, *Op. cit.*, p. 49.

197 *Ibid.*

198 *Ibid.*

Poona Vaibhav, the *Modavritta* and the *Pratod* were also arrested,[199] and two *sardars* or landlords (the Natu brothers) were, on suspicion of being in touch with the political movement, deported under Regulation XXV of the Bombay Regulations corresponding to Bengal Regulation III of 1818.[200] Thus "the Poona murders of 1897, like the Mutiny, like all violence in fact, inevitably exacerbated feelings, both on the Indian and on the English side,—and set the clock back for the time being,"[201] as all violent movements in history must.

But revolutionary ideas and activities soon appeared in other parts of India. Tilak "through his imprisonment became a martyr in the eyes of his people"[202] and his *Kesari* continued to exercise a great influence as before. Bengal was the first to be moved by his ideas and methods. In the Congress of 1897 Surendranath Banerjea expressed these sentiments; "For Mr. Tilak my heart is full of sympathy. My feelings go forth to him in his prison-house. A nation is in tears." Lord Curzon came out as the Viceroy of India (1898—1905) at a time when the political temper of the country was thus disturbed. Under him, remarks Sir Valentine Chirol[203] who is by no means an unfriendly critic, "a system of Government by efficiency reached its apogee." But administrative efficiency does not always bring national and political contentment, and the means which he adopted for securing this efficiency were regarded by the Indian nationalists as strong measures for tightening the hold of British imperialism on the country. Lord Curzon failed to realise that "India presents not only political but psychological problems of the first magnitude, and with all his intellectual gifts, Lord Curzon, seldom, if ever, showed himself possessed of the spiritual vision which is of

199 Athalye, *Op. cit.*, p. 96.

200 S. N. Banerjea, *Op. cit.*, pp. 153-54.

201 Zacharias, *Op. cit.*, pp. 130-31.

202 *Ibid.*

203 *India, Old and New*, London, 1921, p. 103.

the essence of real statesmanship."[204] It was on grounds of administrative efficiency that he tried the Partition of Bengal in 1905[205] which greatly intensified the discontent of the Hindu politicians of Bengal and was largely responsible for the spread of the Revolutionary Movement. It was introduced at an ominous time "when a little Asiatic Power, Japan, had vanquished the giant Russia about whose movements England herself had for a generation shown such undoubted nervousness. Japan's smashing victory could not fail to thrill India from Cape Comorin to the Himalaya, nor to be taken by her as a turning point in the political relationship between East and West."[206] The teachings of Swami Vivekanada were also influencing young minds in Bengal at this time by creating in them a feeling of adoration for their motherland, and of confidence in her future political destiny.

In spite of protests from the leaders of public opinion from different parts of the country, the partition scheme was promulgated in a Government Resolution, dated 19th July, 1905, and it became a "settled fact" on the 16th of October, 1905, when the new province of Eastern Bengal and Assam came into existence with Dacca as its capital and Sir Bampfylde Fuller as the Lieutenant-Governor. This partition was regarded by the politicians of Bengal as an open application of the policy of 'divide and rule' intended to prejudice their national solidarity and strength by dividing them into two administrations, "to drive a wedge between the two communities and to create a new Muhammadan province in which the government was to be conducted on the basis of credal differences."[207] Protest meetings were held in different parts of Bengal and at a great demonstration at the Calcutta Town Hall on 7th August, 1905, a boycott campaign was launched "as a protest against the

204 Chirol, *India*, p. 115.

205 Lovat Fraser, *India Under Curzon and After*, pp. 365—96.

206 Zacharias, *Op. cit.*, p. 139.

207 C. N. Singh, *Op. cit.*, p. 313.

indifference of the British public in regard to Indian affairs and the consequent disregard of Indian public opinion by the present Government," and it was decided "to abstain from the purchase of British manufactures so long as the Partition Resolution is not withdrawn."[208] As we have already noticed, the partition actually came into force on the 16th October, 1905, and the negative Boycott and the positive Swadeshi programmes were soon accepted with religious vows by the youths of Bengal.[209] Vigorous propaganda was carried on by leaders like Surendranath Banerjea and Bipin Chandra Pal, and the Boycott and Swadeshi movements soon extended from Bengal to the other provinces of India. The Congresses of 1905 and 1906 sanctioned both the movements as all-India political weapons of great economic value.

These years are important in the history of the Indian National Movement also for other reasons. In the Congress held at Benares in December 1905 under the presidency of the veteran and sober politician Gopal Krishna Gokhale, the younger men raised the standard of revolt under the leadership of Bal-Gangadhar Tilak, Lala Lajpat Rai and Bipin Chandra Pal ("Bal-Lal-Pal"). "A new turn was given to Indian politics ; the policy of 'mendicancy' as the Congress method was derisively called, was henceforth even more seriously assailed, and significantly enough that great Indian Sinn Feiner (and adversary of Gokhale), Tilak, was once more received with an ovation, as at Benares he rose to speak on Passive Resistance, on Famine, and on Poverty, and a resolution welcoming the Prince of Wales' visit was only carried by an arrangement whereby the Bengal delegates withdrew from the meeting for the nonce."[210] In the next Congress held in

[208] S. N. Banerjea, *Op. cit.*, p. 192.

[209] "Invoking God Almighty to be our Witness, and standing in the presence of after-generations, we take this solemn vow that so far as practicable we shall use home made articles and abstain from the use of foreign articles. So help us God."—*Ibid*, p. 228.

[210] Zacharias, *Op. cit.*, p. 144.

Calcutta in 1906 an open rupture between the party of the Moderates and the party of the Extremists was prevented by the tact and influence of the President, Dadabhai Naoroji, 'India's Grand Old Man,' then 82 years old, who proclaimed in that meeting the ideal of 'Swaraj' (Self-rule) for the people of India. But while to the Moderates this *Swaraj* meant the establishment of a parliamentary form of responsible Government, the Extremists understood it as an ideal of complete independence. As Bipin Chandra Pal has expressed it: "they (the Moderates) desire to make the Government of India popular, without making it cease to be in any sense British; we desire to make it autonomous, absolutely free of the British control." Aravinda Ghose entered the Congress arena in this year, and as Editor of a new nationalist paper, *Bande Mataram*, preached the "only two modes to effect the fulfilment of national desires: self-help and passive resistance," thus furthering the idea of Bipin Pal who was working through his paper *New India*. *Bande Mataram*, the remarkable song taken from the *Anandamath* of Bankim Chatterjee, had by this time become the "National Anthem of Renascent India." But gradually the differences between the Right and Left Wings of the Congress, that is, between the Moderates (like Gokhale, Pherozeshah Mehta, Surendranath Banerjea, Rash Behari Ghosh, Madan Mohan Malaviya and Dinshaw Wacha) on the one hand and the Extremist leaders (like Tilak, Lajpat Rai, Bipin Pal, etc.) on the other became irreconcilable, and these resulted in rowdyism and scenes of disorder in the Congress (of 1600 delegates) held at Surat on 27th December, 1907, leading to the intervention of the police. On the next day 900 of the 1600 delegates, the moderates forming the majority among them, met as a Convention, and appointed a Committee of a hundred out of those present for drawing up a constitution of the Congress. This Committee met at Allahabad on the 18th and 19th of April, 1908, and drew up a constitution the first article of which came to form subsequently the *Creed* of the Congress. It runs: "The

objects of the Indian National Congress are the attainment by the people of India of a system of Government similar to that enjoyed by the self-governing members of the British Empire, and a participation by them in the rights and responsibilities of the Empire on equal terms with those members. These objects are to be achieved by constitutional means, by bringing about a steady reform of the existing system of administration, and by promoting national unity, fostering public spirit, and developing and organising intellectual, moral, economic and industrial resources of the country." Henceforth it was made obligatory on all who wanted to become members of the Congress to sign this creed.

Besides the Extremists of Bombay and Bengal, who as a new party fought from within the Congress, a Revolutionary party was organised in Bengal under the leadership of Barindra Kumar Ghose, younger brother of Aravinda Ghose, and Bhupendra Nath Dutt, the only brother of Vivekananda. They carried on an extreme and vigorous propaganda through papers like the *Yugantar* (*the Transition of Ages*) and the *Sandhya* (*the Twilight*). Terrorism and revolutionary activities like intimidation and murder of Government officers by working through secret societies, bomb outrages, etc., became rampant after the break-up of the Barisal Conference in April 1906.[211] Anarchism and revolutionary activities soon spread to other provinces of India, and centres of work were started even in other countries, as in London under Shyamji Krishnavarma, son of a Kathiawar merchant, who published a paper called the *Indian Sociologist*, Vinayak Savarkar and Madan Lal Dhingra.

The Government naturally all along tried to stamp out terrorism by strong and repressive measures, like the deportation, on 9th May, 1907, of Sardar Ajit Singh and Lala Lajpat Rai, under Regulation III of 1818, to Mandalay (Burma), promulgation by the Viceroy on 11th May, 1907, of an ordinance called the Regulation of Meetings Ordinance, passing of the

211 S. N. Banerjea, *Op. cit.*, pp. 228—36.

Seditious Meetings Act on 1st November, 1907, the Explosive Substances Act and the Newspapers (Incitement to Offences) Act of 8th June, 1908, the Criminal Law (Amendment) Act of 11th December, 1908, imprisonment of Tilak at Mandalay for publishing two articles in his *Kesari* on 12th May and 9th June 1908, and further deportations under Regulation III of 1818 of several Bengal leaders like Asvini Kumar Dutta and Krishna Kumar Mitra, whose influence was based on things nobler than politics, and "who were the leading spirits of the Swadeshi movement."[212] But anarchism could not be killed: "the revolutionary movement reached the crest of the wave during 1913 both in Bengal and the Punjab"[213] and "Indian revolutionaries abroad tried to take advantage of the outbreak of the Great War to get help from Germany to push forward their schemes of work in India."[214]

The leaders of the Muslim community got a new body for the expression of their political ideas in the All-India Muslim League founded in December 1906. H. H. the Aga Khan remained as the permanent President of the League till 1913, and its objects were defined by its constitution in the following terms:—"(1) to promote among Indian Moslems feelings of loyalty towards the British Government, and to remove any misconception that may arise, as to the intentions of the Government with regard to any of its measures, (2) to protect the political and other rights of Indian Moslems and to place their needs and aspirations before the Government in temperate language; (3) so far as possible, without prejudice to the objects mentioned under (1) and (2), to promote friendly feelings, between Moslems and other communities of India."[215] The League was thus an association of the loyalist members of the Muslim community who wanted special reforms for it. It had

212 *Ibid.*, p. 249.

213 G. N. Singh, *Op. cit.*, p. 468.

214 *Ibid.*, p. 470. *M. C. Report*, para 21.

215 *Hindustan Review*, April 1909, pp. 346-47.

branches in India known as Provincial Muslim Leagues and also a London Branch, with Sir Syed Amir Ali as the first President.

Thus as against the activities of the Extremists and the Anarchists, there were the Moderates in both the communities whom the Government tried to satisfy by conciliatory measures. In the midst of this political stage came the Morley-Minto Reforms, which were at first welcomed by the Moderate leaders of the Congress as " an instalment of what India was entitled to claim."[216] The Madras Congress of 1908 had expressed its " deep and general satisfaction at the Reform proposals formulated in Lord Morley's despatch " and Mr. Gokhale had described them in December 1908 " as modifying the bureaucratic character of the Government and offering the elected representatives responsible association with the administration. He looked to local self-government to provide the real school of political education, and anticipated that Indians would now have full control and management of local affairs."[217] But in actual working the Reforms were found to be unsatisfactory and in August, 1910, the moderate leader Gokhale himself declared in the Imperial Legislative Council :—" Now, my Lord, we well know that once the Government have made up their mind to adopt a particular course, nothing that the non-official members may say in the Council is practically of any avail in bringing about a change in that course."[218]

From this time other factors also began to influence Indian politics. The treatment meted out by the Union Government of South Africa to the Indians there, against which Mr. Gandhi had started the Satyagraha movement, the humiliating position

216 Chirol, *India*, p. 156.

217 *M. C. Report*, para 99.

218 *Proceedings of the Imperial Legislative Council*, Vol. XLIX, p. 29.

" We may be permitted to comment, that giving a subject people the right to critise, without the right to act as England did in India and America did in the Philippines, cannot be anything but a half-way house."—Moon, *Imperialism and World Politics*, p. 300.

of the Indians in the other British colonies, and the question of Indian emigration to the Crown Colonies which had come into existence after the abolition of slavery in 1833, aroused strong feelings of discontent and indignation.[219]

The World War of 1914 considerably influenced the course of Indian politics. After its outbreak, India rendered splendid assistance to the Allies through men, money and munitions. The testimony of the late Lord Birkenhead on this point deserves quotation: "The winter campaign of 1914-15 would have witnessed the loss of the Channel ports but for the stubborn valour of the Indian Corps . . . Without India, the War would have been immensely prolonged, if indeed without her help it could have been brought to a victorious conclusion. . . India is an incalculable asset to the mother country."[220] At the same time the War "induced in India a new psychology. It brought to her a new sense of self respect and self reliance, and hastened enormously the development of consciousness amongst her peoples."[221] This led the Hindus and the Muhammadans to think and act oftener in terms of one India, and the Moderates and the Extremists to merge their differences in more or less a common political programme. A new generation of educated Muslims had now grown up, and being profoundly influenced by the nationalist movements in Turkey and Persia, the war between Italy and Turkey, the agreement between Russia and England regarding Persia, and still more by the Balkan Wars, they came to realise that their true interests were identical with those of the Hindus. The bid for Hindu-Muslim unity made in 1911 by Sir W. Wedderburn, who had come from England to preside over the Congress at Allahabad in 1910, Sir Surendranath Banerjea, Pandit Madan Mohan Malaviya, Sir Ibrahim Rahimatullah and Messrs. Hasan Imam, Mazharul-Huq and M.

[219] G. N. Singh, *Op. cit.*, pp. 498—509.

[220] Quoted in Aiyer, *Indian Constitutional Problems*, p. 349.

[221] Graham Pole, *India in Transition*, p. 22. Compare also paras 23 and 24 of the *M. C. Report*.

A. Jinnah had indeed failed ; but at the annual session of the All-India Muslim League held at Lucknow on 22nd March, 1913, under the Presidency of Sir Ibrahim Rahimtullah, its " creed " was changed and henceforth the aim of the League was declared to be " the attainment of self-government for India along with the other communities." The Karachi Congress of December 1913 under the presidency of Nawab Syed Muhammad Bahadur welcomed this change in the constitution and ideal of the Muslim League, and ultimately in 1916 the Congress and the League formulated a joint scheme of reforms and the two communities thus united themselves together in their political demands.[222]

From 1908 to 1916 the Congress was under the control of the Moderates, but their leadership passed away after the death of Gokhale on 19th February, 1915, and of Pheroze Shah Mehta nine months later. The Extremists now reentered the Congress in large numbers[223] at the Lucknow session of the Congress in December 1916, which still " represented all shades and schools of political thought ;[224] Tilak (released in June 1914) for the first time after the Surat Session received an enthusiastic welcome. Mrs. Annie Besant was also " almost unanimously accepted as one of the most influential leaders of the new political life and thought in the country." In order to give effect to the political part of her comprehensive scheme for the regeneration of India, Mrs. Besant had joined the Indian National Congress early in 1914 and had started two papers,—the *Commonweal*, a weekly, on 14th January, 1914, and the *New India*, a daily, on 14th July of the same year. She started the Home Rule League by a formal meeting in Madras in September 1916, and this organisation cooperated with another Home Rule

[222] *M. C. Report*, para 26.

[223] " When the Congress met (at Lucknow) it was plain that the Left Wing of the Nationalist Party, commonly called the Extremists, as represented by the followers of Mrs. Besant and Mr. Tilak, were in a distinct majority." *India in 1917-18*, p. 28.

[224] Zacharias, *Op. cit.*, p. 167.

League which had been inaugurated at Poona by Mr. Tilak in April 1916, and together carried on vigorous propaganda throughout India in support of the 'Congress-League Scheme.' The minds of the Muslims in India were also deeply stirred by the war of the Allies against Turkey, especially since 1916 when the Sharif of Mecca had rebelled against his overlord, the Sultan of Turkey, who was the Khalif of all the Faithful, and had in "Moslem eyes become England's tool." Thus there was discontent and agitation on all sides, and "the situation demanded new handling."[225] Mr. D. Graham Pole, while travelling through India in the cold weather of 1916-17, had "an opportunity of realising how much unrest and dissatisfaction there was in India and how necessary it was for some declaration to be made by the British Government indicating a generous policy of self-determination for India."[226] At such a time came the Report of the Mesopotamia Commission, which had been appointed by the Parliament in 1916 to enquire into the reasons leading to the disasters of the Mesopotamian campaign (from 5th November, 1914 to 29th April, 1915), which had been undertaken by the Government of India and its army. The Report of the Commission strongly condemned the conduct of the Mesopotamian campaign as carried on by the Government of Lord Hardinge and by Mr. Chamberlain, the Secretary of State for India, and in July 1917 the latter had to resign. He was succeeded by Mr. E. S. Montagu, who on 20th August, 1917, made the following historic declaration in the House of Commons :— "The policy of His Majesty's Government, with which the Government of India are in full accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire." The Montagu Mission arrived in India on 10th November, 1917 ;

[225] *India in Transition*, p. 23.

[226] *M. C. Report*, para 28.

after various consultations and enquiries the Secretary of State, and the Viceroy, Lord Chelmsford, formulated a joint scheme of reforms which were approved by the other members of the Montagu Mission, Lord Donoughmore, Mr. Charles Roberts, M.P., Mr. (afterwards Sir) Bhupendranath Basu, and Sir William Duke, from the India Office. This scheme of reforms was embodied in a report to which both Mr. Montagu and Lord Chelmsford affixed their signatures and which was published on 8th July, 1918, after Mr. Montagu had returned to England in May. Its publication however raised "an angry outcry from the Extremist organs."[227] Mrs. Besant denounced the scheme as being "unworthy to be offered by England or to be accepted by India." "The Montagu Scheme," observed Tilak, "is entirely unacceptable,"[228] and he started a violent agitation calling upon the people to "stand firm by the Congress-League Scheme as an irreducible minimum." The Moderates, however, welcomed the reforms proposed. They did not attend the special session of the Congress held at Bombay at the end of August 1918 ; on the contrary they met in a party Conference in November 1918 at Bombay in order to express the views of the Moderates on the 'Montford' Reforms, and formed an organisation distinct from the Congress, known as the Indian National Liberal Federation. The Muslim organizations also supported the Reforms on the whole, while putting forward criticisms from the standpoint of their special interests. Thus on the Reforms question was broken up the union of the political parties in India which had been secured during the first years of the War.

The Government of India Act, 1919, received royal assent on 23rd December of that year, and the Reforms were actually introduced in India on 1st January, 1921. But certain factors, 'economic, natural and political,' created an "unfortunate situation" in India at that time,[229] which made the success of

[227] S. N. Banerjea, *Op. cit.*, p. 305.

[228] For other views of prominent Congressmen, *vide* Athalye, *The Life of Lokamanya Tilak*, pp. 251-52.

[229] G. N. Singh, *Op. cit.*, p. 643.

the Reforms doubtful from the date of their inauguration. There was certainly a dangerous atmosphere in the country in 1919, especially in the province of the Punjab. The influence of economic factors in the growth of political movements can hardly be overstated. In fact the great political movements in history like the French Revolution of 1789 and others had many economic causes as well at their root. Similarly in post-War India, economic troubles accentuated political discontent. Additional taxation to meet war expenses proved to be a hardship on the people, and rise in prices, especially of such commodities as cotton goods, kerosine, salt, oil and spices, produced distress throughout the country;[230] this was accompanied by agrarian unrest, notably in Champaran in Bihar, where the tenants protested against the alleged oppressions of the Indigo Planters, and in the Kaira (Kheda) district of Gujarat where the tenants demanded reduction of revenue in view of the bad harvest of 1917 caused by heavy rains. Nature also became cruel, and the sufferings of the needy people were highly aggravated by epidemics of plague and influenza in 1917 and 1918. To these were added certain political factors together to produce an acute general discontent. The Rowlatt Act and the Anarchical and Revolutionary Crimes Act of March 1919, the tragedy at Jallianwalla Bagh, Amritsar, and the proclamation of martial law in the Punjab by its Lieutenant-Governor, Sir Michael O'Dwyer,—all aroused a "vehement opposition" against the Government. The Khilafat question, or the fate of Turkey during and after the War, agitated the minds of the Muslims in India and once again brought about a temporary Hindu-Muslim unity fostered by Mr. Gandhi on the one hand and the Ali Brothers (Maulanas Shaukat Ali and Muhammad Ali) on the other, as much for the sake of unity as for

[230] "... despite all that the Government could do, these high prices and shortage of food caused the greatest distress and embarrassment in India. They have pressed most hardly on the poorer classes and on people living on small fixed incomes in the towns; but the effect of them has been felt by every section of the community." *India in 1919*, p. 57.

political expediency. The attitude of the all-India services towards the Reforms led the Indian public to apprehend that they would not work the Reforms or would try to render them futile. So, instead of being content with the Reforms, post-War India was ruffled by a great unrest, in the midst of which Gandhi started the Non-co-operation Movement, which was supported by a majority of votes at a special session of the Congress held in Calcutta in September 1920 under the presidency of Lala Lajpat Rai, with a view to secure India's independence by "bringing moral pressure to bear on government." This movement remained vigorous till 1924. Mr. Garrat has thus described the nature and course of post-War politics in India :—"The wave of unrest which swept through the country after the War, was totally unlike any of the earlier periods of agitation. It showed itself in many different ways: in the clamour against the Sedition Act which led to the tragedy at Amritsar ; in the Khilafat movement which induced hundreds of hard-working Muhammadan ryots to sell all they had and move into Afghanistan ; in the recrudescence of political dacoities and murders in Bengal ; in the non-co-operation movement led by Mr. Gandhi which caused the partial boycott of the new legislatures, and introduced amongst the educated classes a new ideal and a new method of corporate action ; in the widespread release of new forces which resulted in the Moplah rebellion in the South, in the horrors of Chauri-Chaura in the North, and in the peasant agitation in Gujarat. Compared with these manifestations the pre-War agitations in Maharashtra and Bengal seem provincial and sectarian. Tilak had never attempted to conciliate the Moslem 'foreigners,' he had fought the reformist Hindus with as much zeal as he had harassed the British, he was nothing of a democrat at heart, and was too profoundly contemptuous of Western ideas to hate them. His death in 1919 left the field open to Mr. Gandhi, who promptly captured the Congress and wrenched the nationalist movement out of its old groove. He had knowledge and ideas, he understood the West enough to fear and dislike it, and above all he was

'Mahatma,' and thus linked in the minds of men those dreams and ideals which are the very essence of the Hindu religion. The new phase of nationalism was broad enough to include the Moslems and sufficiently popular to attract the masses."[231]

But this unity among the political leaders of India did not last long. The futility of absolute non-cooperation did not appeal to many Indians whose political education was in the best traditions of the West. A batch of such nationalists formed themselves into the 'Swarajist' party in 1923 under the guidance of Mr. C. R. Das in Bengal, Pandit Motilal Nehru in Upper India and Mr. N. C. Kelkar in the Deccan. They followed the Parnellite tactics of obstruction for "mending or ending" the new constitution by entering the Legislative Assembly and the Provincial Councils. The Swarajists exercised a dominating influence in Indian politics till the untimely death of Mr. C. R. Das in June 1925.

Another disintegrating factor in Indian nationalism during recent years had been the re-emphasising of Hindu-Muslim divergences and the growth of communalism which has hindered considerably all subsequent attempts towards the solution of Indian problems. "Communal differences in general, and Hindu-Muslim differences in particular are commonly referred to," writes Mr. Graham Pole, "as if they were essentially religious in their origin. That is certainly not the case. They often have a purely secular origin, and arise from the anxiety, or sometimes from the exploitation of the anxiety of the different communities in India to see their claims adequately recognised in any future constitution."[232] The Muslim League was revived by Mr. Jinnah in 1924 and Hindu-Muslim unity disappeared, leading to serious communal riots in different parts of the country (e.g., Calcutta riots of April 1926.)[233]

231 *An Indian Commentary*, p. 146.

232 *India in Transition*, p. 77.

233 Chirol, *India*, 291-92. *Report of the Indian Statutory Commission*, Vol. I, pp 25—30

After the abolition of the Khilafat by the Ghazi in March 1927, " ' Khilafatism ' lost all raison de'etre,"[234] and the common platform of Gandhi-ites and Ali-ites gave way. We may note in this connection the attempts of the Akalis, a reforming branch of the Sikhs in the Punjab under the guidance of a directorate called the Shiromani Gurdwara Prabandhak Committee, to bring their holy shrines under trustees for the whole community by dispossessing the *Mahants*, which led to violence and disorder throughout the Punjab, until a settlement was reached in 1925. Thus " communal dissensions were an open sore throughout India, and were effectively paralysing any attempt to set on foot a nation-wide campaign of agitation against Government."[235]

When Lord Irwin took up the viceroyalty of India in 1926 it was " an India of despair. All efforts in India to exercise the evil spirit of communalism had met with only partial success, and all the efforts which had been made by political India to drive home to the Government the necessity of constitutional revision had met with even less success. Neither the friendly reasoning of the first Assembly, nor the gesture of co-operation implied by the entry of the Swarajist or Congress Party into the second Legislative Assembly, nor the unanimous request of all shades of opinion which was embodied in the National Demand (made by the Indian Legislative Assembly in September 1925), had induced any change "[236] of the Act of 1919. Following upon such a state of affairs, the year 1927 came with certain new factors to influence the course of politics. Firstly, the breach in Anglo-Russian relations was followed from 1927 by Communist agitation in India,[237] where the Government had already apprehended the entrance of Bolshevik influences. Secondly, the Cape Town Pact concluded between the Union

[234] Zacharias, *Op. cit.*, p. 237.

[235] *India in 1924-25*, p. 303.

[236] Graham Pole. *Op. cit.*, p. 82.

[237] Zacharias, *Op. cit.*, p. 244.

of South Africa and India, through the statesmanship of the Right Honourable V. S. Srinivasa Sastri, guaranteeing favourable terms for the Indians in South Africa[238] "threw a first bridge again between Indian political parties, and Mr. Sastri had the exceptional distinction, when in June 1927 he sailed as first Indian Agent to South Africa, that he went at the joint request of Lord Irwin and Mahatma Gandhi."[239] Thirdly Sir Basil Blackett's measure stabilising the rupee at 1s. 6d., two pence higher than the traditional exchange ratio, evoked opposition in the politically minded Indian business circles. Fourthly, the Government decision on the Skeen Committee's Report, published in April 1927, providing a plan for completely Indianizing one-half of the cadre of the Indian Army in twenty-five years, was represented by some as really an anti-national scheme. Lastly came the announcement of the Simon Commission's appointment excluding Indians from its personnel,[240] for which a campaign of boycott was launched against it by the Extremists and by most of the Liberals. A public meeting convened by Sir T. B. Sapru on 11th December, 1927, at Allahabad, considered "the exclusion of Indians a deliberate insult to the people of India, as not only does it definitely assign to them a position of inferiority, but what is worse, it denies them the right to participate in the determination of the constitution of their country." The Legislative Assembly passed a resolution on 18th February, 1928, "that the present constitution and scheme of the Statutory Commission are wholly unacceptable to this House and that this House will therefore

238 *India in 1929-30*, pp. 68—71.

239 Zacharias, *Op. cit.*, p. 245.

240 The Conservative party was represented by two members of the House of Lords, Viscount Burnham and Lord Strathcona and two members of the House of Commons, the Hon. E. C. G. Cadogan and Colonel G. R. Lane-Fox. The Labour Party, then His Majesty's Opposition, was represented by Major C. R. Attlee and Mr. Stephen Walsh, who being unable to act was replaced by Mr. Vernon Hartshorn. The Commission paid two visits to India, the first from 3rd February, 1928 to 31st March, 1928 and the second from 11th October 1928 to 13th April, 1929.

have nothing to do with the Commission at any state or in any form." The Indian Central Committee was thereafter formed for cooperating with the Statutory Commission. An all-India all-Parties Conference met at Delhi in February 1928 and appointed a small Committee, of which Sir T. B. Sapru and Pandit Motilal Nehru were the most prominent members, charging them with the drafting of a Constitution. The result of their labours produced a document known as the Nehru Report. This Report recommended 'Dominion Status' for India and was accepted with certain amendments by the next all-Parties Conference held at Lucknow in August 1928. But opposition cropped up against its recommendations with regard to the claims of the Muslim and Sikh communities. It was therefore repudiated by the Muslim League, and also by the Independence League, which had come into being in November 1928 within the Congress itself under the presidency of Mr. S. Srinivasa Aiyangar with Messrs. Subhas Chandra Bose and Jawahar Lal Nehru as secretaries, and which favoured 'complete independence' as against the 'dominion status' of the Nehru Report. The growing strength of those who supported the goal of independence was manifest at the annual session of the Congress held in Calcutta in December 1928. Under the temporizing influence of Mr. Gandhi who had reentered the field of politics, the Congress passed a resolution, which, "while adhering to the resolution relating to complete independence passed at the Madras Congress (1927), approved of the Constitution drawn up by the Nehru Committee," but which added that "subject to the exigencies of the political situation, this Congress will adopt the Constitution in its entirety, if it is accepted by the British Parliament on or before December 21, 1929, but in the event of its non-acceptance by that date, or its earlier rejection, the Congress will organise non-violent non-cooperation by advising the country to refuse taxation and in such other manner, as may be decided upon."

Things were thus taking a serious turn from all sides. Mr. Gandhi and Sardar Vallabhai J. Patel had started Satyagraha

and a no-rent campaign at Bardoli in Surat district; Jawahar Lal Nehru and Subhash Chandra Bose were agitating for "Purna Swaraj" or complete independence, and Communist Workers' and Peasants' Associations had sprung up everywhere and all industrial centres were disturbed by strikes throughout 1928. The moderation and sincerity of Lord Irwin, the then Viceroy of India, and of the Labour Cabinet of Mr. MacDonald formed for the second time in June 1929, exercised a restraining influence. Lord Irwin visited England in June, and there he remained in close consultation with the Cabinet till October 1929, and within a week after his return to India made his famous declaration of 31st October, 1929, that he was "authorised by His Majesty's Government to state clearly that, in their judgment, it is implicit in the Declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status." It was also made clear, through the publication of the correspondence between the Statutory Commission and His Majesty's Government, that after the publication of that Commission's Report a Round Table Conference of British and Indian delegates would be convened in London for the elaboration of a new constitution for India. The Viceroy's generous pronouncements "produced a very generous response in India." "In fact," remarks Mr. Graham Pole, "a change had been accomplished which even the most hopeful amongst us had despaired of in the preceding months."[241] A manifesto issued from Delhi bearing signatures of all the prominent political leaders of India, in reply to the Viceroy's declaration, "appreciated the sincerity underlying the declaration" and "tendered cooperation to H. M.'s Government in their effort to evolve a scheme of Dominion Constitution," and it held it "essential that the public should be made to feel that a new era has commenced" and it therefore considered it "vital for the success of the proposed Conference that there should be a general amnesty,

[241] *Op. cit.*, p. 132.

and that the Indian National Congress should have predominant representation on it."

But all these bright hopes were frustrated by the force of opposition which was launched in England against the Benn-Irwin policy. A campaign started there, against the Viceroy's pronouncement and against the use of the term 'Dominion Status' by a "considerable section of the Press and a number of prominent politicians" (Conservatives as well as Liberals), "however ill-conceived and however little it may have represented the true mind of Britain, revived doubts in India as to the sincere intention of Britain to fulfil her repeated pledges."[242] This scepticism led to the re-emergence of a militant spirit in the Lahore Session of the Indian National Congress held in December 1929 under the presidency of the Younger Nehru. This Congress declared that the goal of the Congress "is the attainment of complete independence for India" and that therefore "nothing is to be gained in existing circumstances by the Congress being represented at the proposed Round Table Conference"; it also authorised the All-India Congress Committee, "whenever it deemed fit, to launch a programme of Civil Disobedience, including the non-payment of taxes, under such safeguards as might be rendered necessary." The Indian Liberals, the Indian States, and the Indian Muslims under the leadership of the Ali brothers with their Khilafat organisations, cooperated with the Government and stood against the Civil Disobedience movement, which was formally launched by Mr. Gandhi on 6th April, 1930, by starting the illegal preparation of salt on the Dandi beach. This movement led to riots and disorders; the Indian leaders like Gandhi, Jawaharlal Nehru, Motilal Nehru, Abbas Tyabji, (Mrs.) Sarojini Naidu, J. M. Sen-Gupta and others were imprisoned, and the Government promulgated special Ordinances to cope with particular aspects of the movement. The peace negotiations between Sir Tej Bahadur Sapru and Mr. Jayakar

242 *Ibid.*, pp. 132-33.

on the one hand and the Viceroy on the other could lead to no compromise.

Meanwhile the Round Table Conference was ceremonially opened on 12th November, 1930, and was adjourned *sine die* on 19th January, 1931. On that day the Prime Minister made a striking statement, declaring that a " mutual understanding of intention and difficulty, gained under such conditions as have prevailed here, is by far the best way for discovering ways and means of settling differences and satisfying claims. His Majesty's Government will strive to secure such an amount of agreement as will enable the new Constitution to be passed through the British Parliament and to be put into operation with the active goodwill of the people of both countries."[243] A change of policy was accordingly inaugurated in India ; on 25th January, 1931, Lord Irwin released Gandhi unconditionally as well as all members of the Congress Executive in order to " give an opportunity for them to consider the Premier's statement at the Round Table Conference." Through the efforts of Sir T. B. Sapru, Mr. Jayakar and the Rt. Hon. V. S. S. Sastri, an interview was arranged between the Viceroy and Mr. Gandhi, and on 18th February " the half-naked fakir," to use Mr. Churchill's phrase, " strode up the steps of the Viceroy's palace," and on 5th March, 1931, " Mahatma Irwin and Mahatma Gandhi," as Sir Pheroze Sethna put it, signed the Delhi Pact, on the terms that Civil Disobedience will be discontinued, that boycotting of British goods " as a political weapon " will cease, though ' swadeshi ' propaganda and peaceful and unaggressive picketting will be permitted, that there would be no organised defiance of laws, and the question of police excesses will not be pressed,—while on the other hand all Ordinances will be withdrawn, and the Government will declare a general amnesty. About the Round Table Conference it was agreed that " steps will be taken for the participation of the representatives of the Congress in the further discussions that are to take place on the

[243] Quoted in Appendix II of *India in 1930-31*.

scheme of constitutional reform."[244] The Pact was not well received by the Extremists on either side, but Mr. Gandhi was able through the force of his magnetic personality to secure for it the support of the Congress at its annual session held at Karachi on 29th March, 1931. According to the impolitic decision of the Congress Working Committee dated 2nd April, 1931, Mr. Gandhi went as the sole delegate of the Congress to attend the Round Table Conference, which after various discussions formulated a draft constitution for India. Gandhi's work in London was however not tactful and constructive, and he could not gain anything impressive ; after disappointing all he was again detained as a state prisoner on return to India on 4th January 1932, for expressing his intention of taking up civil disobedience once again. Thus the country was again in the midst of disorders and turmoil for the greater part of 1932. The question of communal representation and of the place to be given to the Depressed Classes in the new constitution aggravated the agitation, especially after the publication of the Prime Minister's (Mr. MacDonald's) Communal Award in August 1932. The situation improved after the formal acceptance of the Poona Pact, an agreement under Gandhi's influence between the Caste Hindus and the Depressed Classes, by the Prime Minister on behalf of the Government. The year 1933 has been one of comparative tranquillity, though disturbed by an almost universal protest against the 'White Paper' proposals, and by a growing dissatisfaction with the Poona Pact, specially in Bengal.[245] Owing to a persistent 'die-hard' campaign in England and India against the White Paper and further political advance, and the delay in the coming of the expected new constitution, there has grown a general sense

[244] *Ibid.*, Appendix III.

[245] Sir N. N. Sarkar, Advocate General of Bengal and a delegate to the Round Table Conference (subsequently Law Member in the India Govt.) has tried to educate Indian and English public in the futility, undesirability and non-binding character of the Communal Award and the Poona Pact, with considerable success.

of uneasiness in the country. The renewal of unlawful activities by the Congress since January 1932 has led to a series of government measures directed against various Congress bodies and funds, and the Congress has latterly been not functioning as before. Within Congress circles counsels have gradually become divided, and movements are visible towards renewed attempts at Hindu-Moslem unity, and cooperation with other political parties and with the Government by withdrawal of civil disobedience and council entry. The recent Bihar earthquake catastrophe (15th January, 1934) has given an opportunity for the collaboration of the Congress and the Government. On the other hand there has been during the last few years a marked recrudescence of terrorism, specially in Bengal, where measures of economic betterment are now being introduced with a view to supply a radical remedy of that political disease.[246]

[246] These lines were written four months ago in March; since then they have been justified in every respect: Ansari and other Moslem leaders are trying to unite with the Hindus again; the Svarajist or Council entry party has been reformed within the Congress which is running an electoral board for the next elections; the ban on Congress and its organisations has been lifted; and while Bengal terrorism continues, the economic activities of the Bengal Government and public are increasing.

CHAPTER III

RELIGION, SOCIETY AND CULTURE

The Indian Renaissance of the 19th century has been essentially a matter of the spirit, producing striking changes in Religion, Society and Culture along with a demand for national growth. The earlier reformation movements covering three centuries from the 14th to the 17th, which had stirred Indian minds in different parts of the country had spent up their force to a considerable extent in the long struggle against medievalism and under the pressure of adverse political circumstances, so that the 18th century had become from different standpoints one of the darkest periods of Indian History. "In social usage, in politics, in the realm of religion and art, we had entered the zone of uncreative habit, of decadent tradition, and ceased to exercise our humanity."[1] But it was during the closing years of that century and the beginning of the next that various factors, which have been already discussed,[2] appeared, making a second renaissance and reformation inevitable.

The spiritual parentage of religious and social reformation, as of political awakening, in Modern India is to be traced to Raja Rammohan Roy (b. 22nd May, 1772), who appeared as "the herald of a new age,"[3] to save Indian religion and civilisation from the deadening influence of superstitions and spiritual blindness on the one hand and the intrusion of Christianity and Western modes on the other, at a time "when our country, having lost its link with the inmost truths of its being, struggled under a crushing

1 *Rammohan Ray Centenary Publicity Booklet* No. I.

2 *Vide* Section on the history of Nationalism.

3 Macnicol, *The Making of Modern India*, p. 172, Cf. a paper by Dr. S. C. Sarkar entitled '*Rammohan as the Herald of a New Age*' in the *Students' Rammohan Centenary Volume* shortly to be published.

load of unreason, in abject slavery to circumstance."[4] With profound learning, ecumenical culture (marked by acquaintance with so many classical languages as Sanskrit, Persian, Arabic, Latin, Greek and Hebrew) and high philosophical acumen, Rammohan, a true son of India where religion has ever formed the backbone of national life, was, in the words of Mr. Monier-Williams, "perhaps the first earnest-minded investigator of the science of comparative religion that the world has produced." "He was," remarks Sir Brajendranath Seal, "the harbinger of the idea of Universal Humanism. Though Voltaire and Volney had a glimpse of the rising sun of Humanism, they distorted the view by pitting the East against the West, and minimising and traducing Eastern culture. Theirs was a militant humanism, as opposed to the Raja's synthetic and universalistic point of view. . . . Raja Rammohan Roy was a Brahmin of Brahmins. He was also a Muhammadan with Muhammadans and a Christian with Christians. He could thus combine in his personal religion the fundamentals of Hindu, Christian and Islamic experiences. In this way he was, strange to say, multi-personal. But behind all these masks there was yet another Rammohan Roy, the humanist, pure and simple, watching the procession of Universal Humanity in Universal History."

Rammohan tried to revive in the Hindu world the doctrine of the unity of Godhead,[5] and devoted himself to this task after retiring from the East India Company's service, and settling down in Calcutta in 1815. His earliest attempt was the foundation of the Atmiya Sabha, "an association for the dissemination of religious truth and the promotion of free discussions of theological subjects,"[6] which lasted from 1815 to 1819. The next important step was his foundation of another organisation, which later on became famous as the Brahma Samaj, on 20th

[4] *Rammohan Roy Centenary Publicity Booklet*, No. 1.

[5] *The Modern Review*, March 1934.

[6] Sivanath Sastri, *History of the Brahma Samaj*, Vol. 1, p. 24.

August, 1828, with Mr. Tarachand Chakravarty as its secretary.[7] But its new theistic service soon excited the hostility of the orthodox citizens of Calcutta, who started a rival organisation named the Dharma Sabha, with Bhavani-charan Banerji as its President and Radha Kanta Deb (subsequently knighted and made Raja) as its secretary, and with its organ the *Samachara Chandrika* which opposed Raja Rammohan Roy's Bengali Weekly, the *Samvada Kaumudi*.[8] The Trust-Deed of the Brahma Samaj[9] dated 8th January, 1830, laid down that the Trustees " shall at all times permit the said building, land, tenements, hereditaments and premises, with their appurtenances, to be used, occupied, enjoyed, applied and appropriated, as and for a place of Public Meeting, of all sorts of descriptions of people, without distinction, as shall behave and conduct themselves in an orderly, sober, religious and devout manner :

" For the worship and adoration of the Eternal, Unsearchable and Immutable being who is the Author and Preserver of the Universe but not under or by any name, designation or title peculiarly used for, and applied to, any particular Being or Beings, by any man or set of men whatsoever ;

" And that no graven image, statue or sculpture, carving, painting, picture, portrait or the likeness of anything, shall be admitted within the messuage, building, land, tenements, hereditaments and premises, and that no sacrifice, offering or oblation of any kind or thing, shall ever be permitted therein ; and that no animal or living creature shall, within or on the said messuage, building . . . be deprived of life, either for religious purposes or for food."

[7] *Ibid.*, pp. 38—40. The Samaj was first located in the premises No. 48, Chitpore Road, then owned by Ram Kamal Basu, well-known in Calcutta as " Firingi Kamal Basu," a resident of Chandernagore.

[8] Sastri, *Op. cit.*, Vol. I, p. 40, Brajendra Nath Banerji, *Samvad-Patre Sekaler Katha*, Vol. I, pp. 149—52.

[9] Sastri, *Op. cit.*, Vol. I, Appendix 'A'.

Thus the Raja rejected the barriers of caste-divisions, worship of idols and sacrificial rituals, and stood forth as the high priest of Universalism and Love. He started his reformed church on 23rd January, 1830, and sailed for Europe on 19th November of the same year as an ambassador of the ex-Emperor of Delhi before the authorities of the East India Company, never to return, passing away at Bristol on 27th September, 1833. His biographer, Miss Colet, has left the following estimate of his life's work :—" Rammohan stands in history as the living bridge, over which India marches from her unmeasured past to her incalculable future. He was the arch which spanned the gulf between ancient caste and modern humanity, between superstition and science ; between despotism and democracy, between immobile custom and a conservative progress, between a bewildering polytheism and a pure, if vague, theism." The Raja never thought of establishing the Brahma Samaj in opposition to the sublime ideas and principles of Hinduism,—his aim was to purge it of some of the grosser practices, prejudices and superstitions which had overwhelmed it by an appeal to rationalism and by adapting it to the changed conditions of his age. Mr. Ramsay MacDonald has justly remarked :—" The Brahma Samaj was founded because in his heart the Hindu was unwilling to desert Hinduism but was willing to become liberal and respond to the impact of Western faiths."[10] In thus liberalising Hinduism and making it responsive to all the forces of the modern world, Rammohan enabled India once again after Buddha to give a spiritual message to all mankind, and to embark on a course of creative national history.

After his death, his infant church was left almost entirely under Pandit Ramachandra Vidya-vagisa but it was passing through " a period of depression," and according to Pandit Shivanath Shastri, the Brahma Samaj during the years 1833—1841 " had no organisation, no constitution, no membership,

[10] *Op. cit.*, p. 234.

no covenant, no pledge."[11] But it was soon raised from this "moribund condition" by the genius and efforts of Maharsi Devendranath Thakur (Tagore) (1817—1905). He formally entered the Samaj in 1843 and within five years gave it a new life, and "introduced a regular form of church service, including thanks-giving, praise and prayer, in the place of the old practice of mere expositions of passages from the Upanishads, attended with sermon and hymn."[12] Mr. Kesav Chandra Sen was another important member of the Brahma Samaj and imbued it with devotional fervour through his message of Love and Faith. His emphasis on Christian and Vaisnava teachings and forms, and the rapidity with which social reform was proceeding under his leadership, led to a breach with the more conservative section of the Brahmas, and the Samaj now practically divided into two bodies. A man of wide culture and manifold experiences, an ardent aspirant after a Universal Religion, Kesav holds a high place among the reformers of Modern India. He took a leading part in the passing of the Marriage Act of 1872, which among other things wanted to discourage child-marriage and fix the minimum age of men and women marrying under that Act at eighteen and fourteen years complete, respectively. The famous Cooch-Behar marriage case of 1878 "formed the great turning point of Keshub Chunder Sen's career."[13] His own daughter under fourteen he married to the young enlightened Maharaja of Cooch-Behar who was not yet sixteen. This inconsistency raised a storm of controversy and protest among many of the members of the Brahma Samaj,[14] "who called for public meetings to expel Keshub from his position as Secretary to the Brahma Samaj of India and as Minister to the Brahma Mandir.[15] A schism occurred

[11] *Ibid.*, Vol. I, p. 89.

[12] *Ibid.* The merits and demerits of this formalisation are engaging the serious attention of Brahma Samajists in the present day.

[13] P. C. Mozoomdar, *The Life and Teaching of Keshub Chunder Sen*, p. 204.

[14] Sastri, *Op. cit.*, Vol. I, pp. 276—94.

[15] P. C. Mozoomdar, *Op. cit.*, p. 211.

and the 'protestant' Brahmas under the leadership of Anandamohan Bose, Shivanath Shastri and Bijay Krishna Goswami established what has since then been known as the Sadharan (Universal) Brahma Samaj, as distinguished from the Adi (Original) Brahma Samaj, with a democratic composition,—and with a continuous brilliant record of social and cultural activities on liberal and progressive lines.[16] After this secession Keshav also organised a new church known as the Navavidhan (New Dispensation) Samaj,—whose distinguishing feature is formalism in worship and regard for Keshav as a prophet.

In Maharastra a theistic Samaj called the Paramahamsa Sabha was started in 1849; but its influence was limited and it soon broke up. A more important organisation was a theistic society called the Prarthana Samaj formed under the leadership of Dr. Atmaram Pandurang (1823—1898) "with aims of rational worship and social reform,"[17] and developed under the influence of the Brahma Samaj. The Samaj has maintained night-schools for working-people, a Depressed Classes Mission for elevating the social as well as spiritual condition of the depressed classes, a Ladies' Association for education of girls, and an Orphanage and Foundling Asylum at Pandharpur. It has saved itself from the influence of "Western Rationalism and Secularism"[18] under the guidance of two leaders, Sir R. G. Bhandarkar (1837—1927), one of the greatest Sanskrit scholars of Modern India, and Justice M. G. Ranade (1842—1901), who was undoubtedly the central figure of the Renaissance in Western India. It was Mr. Ranade who inaugurated the practice of holding Social Conferences along with the annual session of the Congress. Mr. Andrews remarks that "the last and the most enduring aspect of the new reformation in India is linked up most closely with the name of Justice Ranade, who," accord-

16 "In reply to the Adi Bramho Samaj cry of 'Brahmoism is Hinduism' the young reformers cried 'Brahmoism is catholic and universal.'"—Sastri, *Op. cit.*, p. 189.

17 Sastri, *Op. cit.*, Vol. II, pp. 411—56.

18 Zacharias, *Op. cit.*, p. 44.

ing to him, "comes nearest to Ram Mohan Roy and Syed Ahmad Khan in the largeness of vision and the magnanimity of character; but he was more advanced than either in the width of his constructive aim, his grasp of principles underlying Western civilisation and his application of them to Indian conditions."[19] It was under his inspiration and 'spiritual leadership' that the Deccan Education Society, the members of which like Gokhale, Tilak, and Ganesh Agarkar have played important parts in the history of Modern India, was founded in 1884. The members of this society, with the motto of 'plain living and high thinking,' took upon themselves the task of educating the youths of their country through simple means, accepting in return a small remuneration of Rs. 75 per mensem for bare subsistence. The Society started with a small school which ultimately developed into an important educational centre in Maharastra (the Fergusson College, having 1,700 students in 1931), and it runs another institution at Sangli named the Willingdon College.

Gokhale who had joined the Society in 1885, just after completing his university education, could not agree to work with Tilak's Extremism, and founded in 1905 the famous Servants of India Society, which also has a brilliant record of social and educational works to its credit. The 'basic principle' of his Society was that "public life must be spiritualised." As defined by the rules of the Society its object was to train "national missionaries for the service of India, and to promote, by all means, the true interests of the Indian people." The members of this society have acted up to this ideal in different spheres, and after Gokhale's death in 1915, the Rt. Hon. V. S. Srinivasa Sastri became its second President.

Narayan Malhar Joshi, who joined the Society in 1909 founded two years later in Bombay the Social Service League "to collect and study social facts and discuss social problems with a view to forming public opinion on questions of social service" and to make endeavours "to secure for the masses

[19] Andrews, *Indian Renaissance*, pp. 135-36.

of the people better and reasonable conditions of life and work."[20] The League has made successful attempts to secure its objects and its founder Mr. Joshi established in 1920 the All-India Trade Union Congress which could affiliate to itself within five years forty trade unions with 100,000 members.[21] Mr. Joshi continued his work unhampered for the welfare of the masses as the acknowledged leader of the Indian Labour Movement till an attempt was made by the Communists at the Annual Trade Union Congress of 1929 to affiliate the All-India Federation to Moscow.

Mr. Hridaynath Kunzru, Vice-President of the Servants of India Society since 1927, started at Allahabad in 1914 an organisation called the Seva Samiti which has devoted itself "to organise social service during fairs (e.g., during the great Kumbha Mela of 1927), famines, floods, epidemics, etc.; to promote the spread of education, cooperation, sanitation and physical culture ; to uplift the depressed classes, reclaim the criminal and rescue the fallen."[22] A Scouts Association has grown out of this Samiti under the leadership of another member of the Servants of India Society, Mr. Shri Ram Bajpai. This Scouts Association has rendered useful services and an English Scouter, visiting the Kumbha Mela in 1930, remarked that "he would like his own boys in England to see how they are working and capture some of the spirit which he saw everywhere."[23] The Madras Branch of the Servants of India Society has of late years paid special attention to village revival and reconstruction work. An organisation named Bhil Seva Mandal was started in 1922 by Mr. Amritlal Vithaldas Thakkar for the uplift

[20] Quoted in Zacharias, *Op. cit.*, p. 56.

[21] *Report of the Royal Commission on Labour*. pp. 316—32.

[22] Zacharias, *Op. cit.*, p. 59.

[23] Quoted in *Ibid.*, p. 60. During the last year, under the guidance of Mr. Gurusadaya Dutta, I.C.S., a Bengali national 'scouts' movement more suited to the genius of the people has developed; this 'Vrata-chari' ideal, vows and training is spreading from school to school in Bengal,—along with the founders' other movement for revival of folk dances and indigenous games.

of the Bhils and other aboriginals of India by imparting religious and vocational training, and has been doing excellent work.

Admirable work has been done for the uplift of women by Mr. Gopal Krishna Devadhar, President of the Servants of India Society and by Mr. Dhondo Keshav Karve, who though not a member of the Society, was however for some time a Professor at Fergusson College. The Indian Women's University founded and conducted by Karve, and the Poona Seva Sadan working under the inspiration and guidance of Devadhar, have been rendering great help to the women's movement in modern India by equipping them with literary, medical, industrial and social service training[24] through its branches at Bombay, Madras, Nagpur and other places.

The Theosophical Society has also exercised a considerable influence on Indian social and religious life in modern times. The "Mysterious Madame," H. P. Blavatsky, had established this Society in 1875 in the United States along with Col. H. S. Olcott. They came to India in 1879, and since 1886 Adyar near Madras became the headquarters of the Society. The growth of the Theosophist Movement as a force in Indian history has been due to Mrs. Annie Besant, who formally entered the Theosophical Society in 1889, and four years later came out to India, where she dedicated herself to her life's work, which she has thus defined in her Autobiography: "The Indian work is, first of all the revival, strengthening and uplifting of the ancient religions,—Hinduism, Zoroastrianism and in Ceylon and Burma, Buddhism.[24a] This has brought with it a

[24] *India in 1930-31*, p. 239.

[24a] During the last few years the work of 'reviving, strengthening and uplifting' Buddhism in India and the wide world,—not only in Ceylon and Burma,—has progressed appreciably through other agencies; Sarnath-Benares bids once again to develop into an Indian Buddhist Renaissance centre with a monastery and cosmopolitan university which would reinterpret and adapt Buddhism to Modern India and Modern World. It is to be noted that Bengal and Ceylon are the most interested in this movement. When Buddhism is revitalised and reformed in India, the age of Reformation begun in early nineteenth century will have neared its completion.

new self-respect, a pride in the past, a belief in the future, and, as an inevitable result, a great wave of patriotic life, the beginning of the rebuilding of a nation." One of her most notable achievements was the establishment at Benares in 1898 of the Central Hindu School which developed later on into a College and ultimately into the Hindu University at Benares.

Reformation in Modern India owes a great deal to the Ram Krishna Mission and the Arya Samaj. The former named after Ramkrishna Paramahansa (1834—1886), the Saint of Daksineswar near Calcutta, was founded ten years after his death by his ardent disciple Narendranath Dutta or Swami Vivekananda (1863—1902). He attended the "Parliament of Religions" in 1893 at Chicago, where he "proclaimed the Vedanta as the grand, universal, super-religion of the world, and he has certainly never lacked successors in the United States, where the preachments of *yogis* and *swamis* have ever since found ready audiences."[25] Vivekananda attended another Congress of Religions held in Paris in 1900, and he was, remarks Sir Valentine Chirol, "the first Hindu whose personality won demonstrative recognition abroad for India's ancient civilization and for her new-born claim to nationhood."[26] The Ramkrishna Mission with branches in different parts of India has been doing splendid humanitarian and social service by opening dispensaries, orphanages, schools, etc.

The Arya Samaj was formally started in Kathiawar in 1875 by Swami Dayananda Saraswati (1824—1883). It was also in Bombay that he published his admirable treatise, *Satyartha Prakash*, "which expounded his doctrine and formulated it as a doctrine *sui generis*." But his preachings took the strongest root in the Punjab and in the United Provinces.[27]

[25] Zacharias, *Op. cit.*, p. 24.

[26] *India*, p. 97.

[27] It may be mentioned here that while many of the Brahmas in the Punjab fell back from progressive liberalism and became Arya-Samajists, Satyananda Agnihotri (born 1850 A.D.), a prominent member of the Lahore Brahma Samaj, seceded from it to found

Swami Dayananda had no English education, but he was a good Sanskritist, and was deeply inspired by a comprehensive study of the Vedas ; he therefore aimed at reconstructing modern Indian life on the model of the ancient Vedic Society as he conceived it to have been, " by a pruning of all the engrafted shoots upon the Vedas."[28] Defying with admirable courage the severe trials of life, especially the attacks of the orthodox Hindus, the Christian missionaries and the fanatical Muslims, Dayananda " made his appeal, not to an English educated elite but to the broad masses of his fellow countrymen."[29] as did Ramkrishna Paramahamsa.[30] He had no faith in the religious system of the Puranas which he attacked as the " work of the selfish ignorant and malevolent men," and he was hostile to image-worship.[31] He was an enemy of the caste restrictions, and of sacrifices, and wanted to remove superstitions from the minds of the people. He opposed child marriage, advocated travels in foreign lands, and also re-marriage of widows and female education. One important item in the programme of the Samaj has been the *Suddhi* work of re-Hinduising the fallen, the outcastes, the converts and other externals. The Samaj has in certain respects done splendid social and educational work, and has remained " a great and powerful factor to this day in the national life of

on 16th February, 1887, a Samaj of his own called the *Deva Samaj*, which " combines with the other usual features of Indian Reform Movements, i.e., social reform and service, educational and charitable enterprises, etc., the very unusual one of being militantly atheistic." Zacharias, *Op. cit.*, p. 36.

28 MacDonald, *The Government of India*, p. 236.

29 B. B. Mazumdar, *History of the Indian Reformation*, p. 68.

30 Swami Dayananda's *Satyartha Prakash*, translated by Dr. Chiranjiva Bharadwaja, p. 380. It should be noted that in those days there was no sound criticism of Vedic and Puranic literatures and we should not be surprised at the unhistorical and unscientific attitude of the early Reformers towards them.

31 For the sixteen charges brought against idolatry by Swami Dayananda, vide *Ibid.*, pp. 358—60.

India and one seriously to be reckoned with in future." The success of this Samaj has been greatly due to the efforts of three able successors of Dayananda,—Lala Hansraj, Pandit Guru Datta and Lala Lajpat Rai. It was due to these youngmen that a school was founded to commemorate the memory of Dayananda after his death, and this institution has later on developed into the well-known Dayananda Anglo-Vedic (D. A. V.) College of Lahore. In 1892 the Arya Samaj was split up into two parties,—one led by Lala Hansraj, which controlled the Dayananda Anglo-Vedic College, advocated meat diet, and worked for a liberal education and programme, while the other under Munshi Ram (later on famous as Swami Sraddhananda) "endeavoured to be not modern but Vedic, and harkened back to the traditional Brahman ideal of ascetic sannyasis."[32] The latter party founded in the year 1902 a remarkable educational institution, the Gurukul, near Hardwar. The students there are taken from their parents at the age of seven or eight for a residence of sixteen years, under the vows of poverty, chastity and obedience, and placed under the control and influence of their *gurus*. "The common language is Sanskrit, and the most important discipline the Vedas; but English and modern sciences are also taught."[33]

It may be noted in this connection that the Revolutionary Movement in Bengal, like other extremist political movements in other parts of India, was "based upon a return to Hinduism."[34] "All these old and traditional gods and goddesses," writes Mr. Bipin Chandra Pal,[35] "who had lost their hold upon the modern mind, have been reinstalled with a new historic and nationalist interpretation in the mind and soul of the people. Hundreds of thousands of our people have commenced to hail their mother-land today as Durga, Kali, Jagaddhatri. These

[32] Zacharias, *Op. cit.*, p. 40.

[33] *Ibid.*, p. 41.

[34] MacDonald, *The Government of India*, p. 243.

[35] The *Soul of India*, pp. 187—89.

are no longer mere mythological conceptions or legendary persons or even poetic symbols. They are different manifestations of the Mother." Even the map of India came to be represented as the Mother goddess.

The Parsi community in India have also been considerably influenced by the 19th century Indian Reformation. A number of youngmen, a band of able workers, the most notable of whom were Dadabhai Naoroji, J. B. Wacha, S. S. Bangali and Naoroji Furdonji, started in 1851 the Rahnumai Mazdayasnan Sabha or Religious Reform Association for "the generation of the social condition of the Parsees and the restoration of the Zoroastrian religion to its pristine purity." Karshedji Rustamji Cama, after his return from Europe in 1859, tried hard for the spread of education among the members of his community. Behramji M. Malabari (born at Baroda in 1853 or 1854 A.D.), a prominent member of the Parsi community, is entitled to be ranked as one of the greatest social reformers of modern India for his brilliant services in the cause of Indian women and children, journalism and education.[36] In 1910 was inaugurated a Zoroastrian Conference under the inspiration of a Parsi priest named Dhala who had visited America and had studied in the University of Colombo under the famous Zoroastrian scholar Professor Jackson, and this organisation has rendered useful services for the community.

The Sikhs with a glorious tradition in the past have also been roused by the renaissance spirit to make an attempt for the purification of their religious and social life. The progressives among them established the famous Khalsa College at Amritsar and started a central association called the Chief Khalsa Diwan with its office at Amritsar and branches throughout the country, pressing for liberal reforms in society and education.

Islam in India has also been stirred into a new life during the last century and a quarter. At the beginning of the 19th

36 A sketch of his life and times has been given by Mr. R. P. Karkari in *India: Forty Years of Progress and Reform*, London, 1896.

century a "puritanical reform, not unlike that carried on by the followers of Muhammad Abd-ul-Wahhab in Arabia,"[37] was inaugurated by and carried on under some 'ardent souls,' like Haji Shariat Allah of Eastern Bengal, Sayyid Ahmad of Rae Bareli (1782—1831), Karamat Ali (b. at Jaunpur, U. P., in the early part of the 19th century and d. 1873 A.D.), his son Maulavi Hafiz Ahmad (d. 1898) and his nephew Muhsin. This movement while attempting the purification of Islam was rather reactionary in character, and opposed the introduction of English education and western institutions[38]; but it has not been entirely barren of good results to the Muslim community, and its influence has not died out altogether. A "passion for the freedom of Islam, a passion or the reform of Islam, and a well-nigh perfect organisation for propaganda"[39] carried the influence of this movement to different parts of the country.

But far more important than this movement was another which was destined to come and was the reply and the complement to the rapid advance of the Hindus through the new path they had struck out much earlier of assimilating Western civilisation and adapting themselves to the new world. This was started by Sir Syed Ahmad Khan (1817—1898) who brought a new message for the members of his community; as an 'apostle of reconciliation' he advocated changes in the political, religious, educational and social ideas of the Muslims in India by effecting a harmony between the old faith and the modern rationalism, oriental learning and modern science, in short by establishing a "working harmony between East and West."[40] He visited England in 1869, and after his return established with the help of some of his friends the Muhammadan Anglo-Oriental College at Aligarh in 1875, in the face of a vehement orthodox opposition. "He had" remarks Dr. Titus, "a vision of an Indian Muslim Oxford, which should train youngmen of

[37] Murray T. Titus, *Indian Islam*, p. 178.
[38] *Ibid.*, p. 192.
[39] *Ibid.*, p. 184.
[40] MacDonald, *The Government of India*, p. 9.

character and capacity in all that is best in Occidental and Oriental learning."[41] The college that was thus founded was raised to the status of the Muslim University of Aligarh in 1920, and now forms an important centre of Muslim education in India. He also tried to have large scale translations made of English literature and scientific works into the chief vernacular of Muslims, and thus cleared the way for the experiment in higher education through the medium of Urdu, which is being carried on in Hyderabad under the patronage of His Exalted Highness the Nizam by the Osmania University since its creation in 1917.

Sir Syed was an advocate of social reforms like the abolition of purdah, education of women, etc., and carried on vigorous propaganda for these through his magazine Tahdib-ul-Akhlaq (Reform of Morals). His activities and the Aligarh movement have succeeded in " rousing to new life the whole of Indian Islam " and have given birth to a New Islam with exponents like Maulvi Chirag Ali, Right Hon. Syed Amir Ali, Sir Shaikh Muhammad Iqbal, Prof. S. Khuda Bakhsh and Prof. A. M. Maulavi. A number of *anjumans* or societies have come into existence for the service of the community, and a powerful Muslim press has grown up during the last fifty years. The spirit of reform is noticeable among the Indian Muslim women as well, as is clear from the sessions of the All-India Muslim Ladies' Conference since 1914. Her Highness the Dowager Begam of Bhopal, who presided over the All-India Women's Conference in 1928, introduced many social and educational reforms for women in her state. Prominent Muslim ladies of aristocratic and intellectual circles have laid aside the Purdah, have received higher education, and taken part in politics,—and educational and social welfare institutions run by Muslim women by themselves or jointly with other Indian women are increasing.

41 *Op. cit.*, p. 196.

Along with these should be noted the influence exerted by the Ahmadiya Movement[42] inaugurated by Mirza Ghulam Muhammad, born in 1839 A.D. at Qadian, a small town in the Gurdaspur district of the punjab. He declared himself to be the Promised Mahdi and soon got a large number of followers. "He deplored the popular worship of saints, and set himself as a true reformer to restore the true and unpolluted faith of Islam to the followers of the Prophet. At the same time, he could not tolerate the rationalistic expositors of Islam, such as Syed Amir Ali and Prof. S. Khuda Bakhsh, who were beginning to throw doubt on the Quran as a perfect work of divine revelation, in tracing some of the sources of Islam to pre-Islamic Arabia, Judaism and even to Christianity. In regard to social reform, Ahmad stood by the conservatives. He repudiated the abolition of *purdah*, and staunchly defended the Islamic law of divorce and polygamy, 'spurning any attempt within Islam to adapt Muhammad's teaching and practice to present-day customs in Christian lands. . . . .' Ahmad and his followers earned the bitter enmity of the orthodox party, following such severe denunciation of the very people whom he had come to reform."[43] Nevertheless through its vigorous organisation and propaganda the Ahmadiya community has gained a large number of followers in different parts of the world. After the death of Mirza Ghulam Ahmad in 1908, the affairs of the community came to be managed by a Khalifah with headquarters at Qadian. A split occurred in the community in 1914 when a group headed by Khwajah Kamal-ud-din and Maulavi Muhammad Ali formed the Lahori party, the original group being named the Qadiani party. The Qadiani party emphasised the fact that the founder of the community "must be regarded as

[42] For details reference may be made to *The Ahmadiya Movement*, by H. A. Walter.

[43] Titus, *Op. cit.*, p. 223.

a prophet (*Nabi*) while the Lahori party insist that he was only a reformer (*mujaddid*) in Islam."[44]

The influence of Christianity as a factor in the cultural history of India during the modern age should be carefully studied in this connection. Christianity in India has had a long history beginning probably from the days of St. Thomas and Gondophares (1st century) and certainly from the sixth century when a Syrian Church was established in the Malabar with the Patriarch of Babylon as its spiritual head. While the rise and growth of Christianity was in many ways indebted to early Buddhism working in Western Asia and Egypt, later Buddhism also in turn came to be influenced by Christianity. Christian features may be traced in the evolution of Vaisnavism also. So it is an old factor in Indian History. The early Christian Churches and the Catholics had already long worked in India for their faith, when the first Protestant Mission was established at the Danish Settlement of Tranquebar. The first half of the nineteenth century witnessed a rapid progress of Christianity largely through the Protestant missionaries. The Charter Act of 1813 laid down: "It is the duty of this country to promote the introduction of useful knowledge and of religion and moral improvement in India and that facilities be offered by law to persons desirous of going to and remaining in India to accomplish this benevolent design." In 1820 an Anglican Bishop was appointed in the E. I. C.'s dominions for the first time, and Bishop Middleton came out to Calcutta as the first Metropolitan of India. Most of the Protestant Missions were founded in India between 1815 and 1830 and the Bishoprics of Madras and Bombay were established in 1833. Many high-caste and educated Hindus in Bombay, Bengal and Madras were converted to Christianity. In Bengal conversion was effected through the systematic efforts of missionaries like William Carey, Joshua Marshman, William Ward, Daniel Brunsdon, William Grant and Rev. Alexander Duff; similar work was carried on in

[44] *Ibid.*, p. 228.

Bombay by Dr. John Wilson[45] in Madras by Robert Noble and in the Punjab by Dr. Forman (after whom the Forman Christian College of Lahore is named). These missionaries besides carrying on the work of conversion also helped directly and indirectly the cause of Indian Education and Literature, which will be noted later on. In the post-Mutiny period owing to the unfortunate breach between Europeans and upper class Indians, the attention of the missionaries of both the Protestant and the Catholic Churches was directed more towards the conversion of low caste people and backward aboriginal hill-tribes like the Santals, Oraons, Mundas, Nagas, Khasias, Garos, etc. This line of activity has later on been followed by Hindu and Moslem workers, resulting in the acceptance in either fold of various depressed or animistic groups. So far as the direct effect of Christianity in India is concerned it will be noted that a fairly numerous Indian Christian community has grown up, led by a small class comparable to the Hindu intelligentsia, but consisting of a majority of converts from depressed and aboriginal classes reclaimed to democracy and civilization. Its indirect influence is, however, more important to India in general. The efforts of the Christian missionaries to propagate their own faith at the cost of Indian religions made the natives of the country watchful about the preservation and betterment of their own faiths by removing their evils, or in other words, the need for protection against the onrush of an external force led to rearrangement and reformation of faiths within the country. Further the activities and success of the Christian missionaries among the depressed classes have led the 'caste' Indians to change their attitude towards the latter from one of neglect and indifference to that of sympathy and fellow feeling, and today we find even political leaders trying seriously to remove the problem of untouchability ; in this respect they are simply working out the Indian Reformation made possible by Christianity. Lastly, the Christian missionaries, whatever might

[45] Karkaria, *Forty Years of Indian Progress*, pp. 70—82.

have been their objectives, have greatly furthered the cause of education of all grades in Modern India, and have shown to Indian workers the modern way to effective social service through the various types of institutions connected with their missions,—a curious irony of history,—for this way of social service and these types of institutions originated in Buddhist India and through West Asiatic Buddhist missions passed into early Christianity, and once again have come back to their first home as a so-called 'foreign product.'

SECTION II

SOCIAL PROGRESS

The connection between Religion and Society has been nowhere more intimate than in India, and so Indian reformations have involved as much of doctrinal changes as of social modifications. Here we shall attempt a brief survey of the manner in which the different spheres of Indian society have been influenced by the general awakening of the nineteenth century.

All the reform movements of Modern India have advocated the uplift of women and have succeeded, more or less, in this attempt. The first measure of importance in this respect was the abolition of *Sati* or the practice of a wife burning herself on the funeral pyre of her husband, which had survived in its worst forms in spite of some attempts on the part of the Company's Government to check it since 1789.[46] But an Indian

[46] *Cambridge History of India*, Vol. VI, pp. 132—40; Sivanath Sastri, *Op. cit.*, Vol. I, pp. 47—53. The following *statement of sati cases* is interesting :—

		1815 A.D.	1816 A.D.	1817 A.D.
Calcutta	...	253	289	441
Dacca	...	31	24	52
Murshidabad	...	11	22	42
Patna	...	20	29	39
Benares	...	48	65	103
Bareilly	...	17	13	19

Vide B. N. Banerjee, *Samvadpatre sekaler katha*, Part I, p. 146.

opinion against the practice grew up in the generation of Raja Rammohan Ray, who joined hands with the Government for the suppression of *Sati*. "The women of India," remarks Mr. Sastri, "have found no greater defender of their rights than the founder of Brahmaism. He defended the legal rights of females, advocated their right to education and enlightenment, and above all devoted all the energies of his noble soul to save them from a cruel death."[47] Nothing daunted with orthodox opposition under the leadership of Raja Radhakanta Deb,[48] Rammohan, with the usual zeal of a reformer, carried on a vigorous anti-Sati agitation with the help of some of his friends[49] and his Bengali journal, the *Kaumudi*, till the practice was declared illegal by Lord William Bentinck's Regulation XVII of 1829. The opponents of this measure, like Radhakanta Deb, Nilmoni De, Bhavani Charan Mitra and others, tried for its repeal through petitions to the Government and by organising meetings under the auspices of the Dharma Sabha, but to no effect. When in 1830 eight hundred Hindus of Bengal made an appeal to the Privy Council against Bentinck's measure, Rammohan Ray, who was then in England, "obtained access to Members of Parliament and was consulted by the Privy Council. With all the emphasis and power of his amazing intellect and personality, he begged them to reject the appeal of the pro-*suttee* party (which they did in 1832), and he procured a petition from progressive and humane Hindus, thanking Lord Bentinck for what he had done."[50]

[47] *Op. cit.*, Vol. I, p. 47; *vide* also R. C. Dutt, *Literature of Bengal*, pp. 147—51.

[48] For points regarding the activities of the orthodox party, *vide* B. N. Banerjee, *Op. cit.*, Part I, pp. 147—54, and Sastri, *Op. cit.*, Vol. I, pp. 54-55.

[49] At a meeting called at the Government House in Calcutta to discuss the question of *Sati*, Pandit Gaurisankar Tarkabagis delivered a lecture supporting Rammohan's views against that practice.—B. N. Banerjee, *Op. cit.*, Part I, p. 148.

[50] Quoted in Zacharias. *Op cit.*, p. 18, from 'Suttee' (London, 1928), p. 81.

Stray cases of attempted or accomplished *Sati* have however been reported occasionally during the last century,[51] and it would appear that the recent tendency of justifying everything medieval or ancient has encouraged the suppressed practice to some extent ; thus in the Patna district of Bihar, there was an abetted *Sati* case in November, 1927 ; in 1930 again a widow in the Hazaribagh district of the same province "attempted to commit *Sati*."[52]

Evils like polygamy, Kulinism[53] and child-marriage were attacked by all the notable reformers of Modern India and have now almost disappeared from the better classes of Hindu Society. It appears from a study of Rammohan's '*Brief Remarks Regarding the Ancient Rights of Women*' that it was he who first raised a voice against polygamy and Kulinism ; and his work was carried on by a number of ardent reformers who succeeded him. The Native Marriage Act of 1872, passed through the exertions of Keshav Chandra Sen, "abolished early marriage, made polygamy penal, sanctioned widow marriages and intercaste marriages" for those who chose to come under that Act.[54] The attempt of Keshav Chandra to raise the marriageable age of girls deserves mention in some detail. As President of the Indian Reform Association he issued in April 1871 a circular letter to the leading medical authorities in the country asking for their opinion on the subject. "The majority of these gentlemen declared sixteen to be the minimum marriageable age of our girls."[55] In the beginning of 1877 some young members of the Brahma Samaj started in Calcutta something like a Secret League and took several vows, one of which "pledged them never to encourage marriage between

51 Chailley, *Administrative Problems of British India*, p. 145.

52 *India in 1930-31*, p. 543.

53 B. N. Banerjee, *Op. cit.*, Part II, pp. 176—86

54 Sastri, *Op. cit.*, Vol. I, p. 251.

55 *Ibid.*, p 249.

youngmen below twenty-one and girls below sixteen."[56] The Arya Samaj also tried hard to abolish early marriages. Besides these attempts, Mr. B. M. Malabari, the great Parsi reformer of modern times, started from 1884 an agitation against 'Infant marriage' and through severe exertions stimulated public opinion.[57] The Government of Lord Lansdowne also came forward to help the reformers in this matter and passed the Age of Consent Act of 1891 which raised the age of consummation from ten to twelve in the teeth of violent opposition from the orthodox Hindus who held that the "Bill was an infringement of the Queen's Proclamation of 1858, by which she pledged her Government to a policy of non-interference with the religions of her Indian subjects." "It was, however," remarks Chirol "a Pyrrhic victory, for the opposition had been so fierce that Government never again ventured to initiate legislation on any matters which might be deemed, however unreasonably, to impinge on the domain of Hindu religions and social customs."[58]

Name of physician giving opinion		*Minimum marriageable age.*	*Proper marriageable age.*
Dr. Chandra K. Dey	...	14	
,, Chailes	...	14	
,, Nabin K. Bose	...	15	18
,, A. B. White (Bombay)	...	15 or 16	18
,, Mohendra Lal Sircar	...	16	
,, Tumiz Khan Bahadur	...	16	
,, Norman Chevers	...	16	18
,, D. B. Smith	...	16	18 or 19
,, Ewart	...	16	18 or 19
,, Fayrer	...	16	18 or 20
,, S. G. Chakravarty	...	16	21
,, Atmaram Pandurang	...	20	

[56] *Ibid.*, p. 273.

[57] Karkaria, *Op. cit.*, pp. 125—30.

[58] *India*, p. 99. As noted elsewhere this orthodox opposition was fostered and used by Tilak for political purposes as well, and the government also repaid Hindu Extremist Nationalism by a policy of indifference to social legislation henceforwards.

But in 1901 the Gaekwar of Baroda passed the Infant Marriage Prevention Act by which the minimum age for marriage in the state was fixed for girls at twelve and for boys at sixteen.[59] During recent years the Age of Consent Committee, which first assembled at Simla in June 1928 for enquiring into the problem of marriage reform,[60] estimated that "something like half the girls of India are married before the completion of their fifteenth year." After the issue of its report Rai Saheb Harbilas Sarda's Child Marriage Bill was passed on 23rd and 28th September, 1930, by the Legislative Assembly and the Council of State respectively.[61] The object of this Act has been to "discourage the solemnization of marriages between boys of under 18 or girls of under *14* years."[62] Orthodox opinion among all the communities have protested vigorously against this Act, but it remains binding. It should be noted however that other factors chiefly economic and educational, have automatically raised the marriageable age of girls (as well as of boys) almost beyond the expectations of reformers and legislators, though this advance is not uniform to all parts of the society.

Coming to the history of the Widow Remarriage movement, we find that so early as the middle of the eighteenth century, Raja Rajballabh of Dacca made an attempt to reintroduce Widow Remarriages in Hindu Society but could not succeed owing to the opposition of the Maharaja of Krishnanagar and of the Pandits of that place.[63] Babu Nilakamal Bandopadhyaya of Bowbazar in Calcutta, Maharaja Srischandra of (the same) Krishnanagar,[64] and a few others tried for widow remarriage

59 J. N. Farquhar, *Modern Religious Movements in India*, p. 399. Since then Baroda has progressed much further in legislation on the subject of marriage and position of women.

60 *India in 1929-30*, p. 7.

61 *Ibid.*, p. 91.

62 *Ibid.*, p. 90. In actual working however the Sarda Act has been found to be useless.

63 *Ksitisavamsavalicarita*, p. 145.

64 Chandicharan Bandopadhya, *Vidyasagarer Jibancharit*, pp. 226-27.

during the years following the abolition of *Sati* (1829) but their efforts ended in smoke because of orthodox opposition.[65] Babu Shyamacharan Das, mortified at the sight of his tender-aged widowed daughter in his house, circulated among the Pandits of the country the question "Whether the widowed daughter of a Sudra who had not known her husband and who was unable to practise the higher virtue of concremation with her husband's corpse, or endurance of the hardships of a life of widowhood, could be remarried agreeably to the Shastras."[66] The Pandits assembled in a meeting to discuss the point raised in the house of (the orthodox leader) Raja Radhakanta Dev and 'gave a certificate of permission.' "It applied to the case of Sudra girls only, and even as such, it was disowned and practically laid aside by the promulgators."[67]

It was Pandit Isvarchandra Vidyasagar, the great Sanskrit scholar, social reformer and philanthropist of modern Bengal, who devoted himself with extraordinary courage and zeal for furthering the cause of widow remarriage in the teeth of violent orthodox opposition under the leadership of Raja Radhakanta Deb. Pandit Isvarchandra tried through his writings and speeches to prove that the marriage of widows was sanctioned by the Sastras and soon gained a large number of followers. He next endeavoured to remove the legal bar to the legitimacy of the issue of the remarried widows, and accordingly presented a petition[68] bearing about 984 signatures to the Government of India; other petitions from notable individuals of Bengal also followed. These efforts bore fruit in the passing of Act XV, dated 26th July, 1856, which legalised widow remarriage and declared the legitimacy of the issue of remarried widows.[69]

[65] B. N. Banerjee, *Op. cit.*, Part II, pp. 71 and 192.

[66] Sitanath Tattvabhushan, *Social Reform in Bengal*, pp. 73-74.

[67] *Ibid.*

[68] Chandicharan, *Op cit.*, pp. 252—55 and Appendix 'C.'

[69] *Ibid.*, pp. 255—61; Sitanath, *Op. cit.*, pp. 76-77; Joseph Chailley, *Administrative Problems of British India* (London, 1910), p. 151.

" The advocates of widow-marriage were not slow to prove that their application for legislation was not an idle demonstration of hollow liberalism, and that the law was not to remain a dead letter "[70]; within a few months of the passing of this Act widow marriages began to be celebrated, the first (on 23rd Agrahayana, 1263 B.S.) being that of Pandit Srishchandra Vidyaratna, son of the well-known Pandit Ramdhan Tarkabagis with a widowed daughter of the respected family of Brahmananda Mukhopadhyaya connected with the *gurus* of the Rajas of Nadiya.[71]

The Brahma Samaj was also making efforts at about the same time for the spread of widow remarriage ; the cause was taken up earnestly by Keshav Chandra Sen since 1859, and the first remarriage under the auspices of this Samaj took place in the year 1864.[72] Babu Sasipada Bannerji of Baranagar[73] soon came forward as a prominent worker in the field, and his labours produced striking results.[74] " Besides helping particular widows, Babu Sasipada kept up, for many years, an agitation in the country in favour of the cause of widow-marriage through the distribution of pamphlets and leaflets and writing articles in the periodicals."[75] He established in 1887 the Hindu Widows' Home which did excellent work in educating widows so long as it lasted.[76]

70 Sitanath, *Op. cit.*, p. 77.

71 *Ibid.*, Chandicharan, *Op. cit.*, pp. 265—68. It is wrong therefore to say that the Widow Remarriage Act was one of the causes of the Mutiny; in Bengal the Act was sought for and welcomed; in the backward up-country it may have been disliked, but public opinion there was hardly then in touch with the progress in Bengal, and the Act would be mostly unknown there.

72 Sitanath, *Op. cit.*, p. 78.

73 Father of Dewan, A. R. Banne jee, I.C.S., a prominent official of later days.

74 *Ibid.*, pp. 78—89. The first widow marriage that he promoted was that of his niece Kusumkumari on 28th November, 1868.

75 *Ibid.*, p. 97.

76 *Ibid.*, pp. 13—17. Honourable W. S. Caine wrote of this Home in 1890 :—" By the Widows' Home, he (Mr. Bannerji) is solving one of the great social problems of India."

The Widow Remarriage Movement had advocates in other provinces of India as well. The attention of the Maratha Brahmans was first drawn to this subject through a pamphlet published in 1837 at Bombay ; this was followed by another 'book' which was not printed, and the Rev. Baba Padmanji wrote two works on remarriages entitled '*Kutumbasadharana*' and '*Yamunaparyatana*.' But it was Pandit Vishnu Shastri who came forward as the effective champion of this cause in the Maratha country, and a Widow Marriage Association was started at Bombay in the year 1861, many educated citizens enlisting themselves as its members.[77] In antagonism to this association, the orthodox party set up another called the Hindu Dharma Vyavasthapaka Mandali, but the party of the reformers under the guidance of Pandit Vishnu Shastri and assisted by M. G. Ranade obtained victory for their cause, and from 1869 A.D. onwards widow marriages began to take place in Maharashtra. In Gujarat also a Remarriage Association was started at Ahmadabad, and since 1884 the subject acquired fresh importance through the writings of Mr. Malabari. Men like Sir R. G. Bhandarkar, G. G. Agarkar and D. K. Karve have also done much for the amelioration of the widows' lot and condition. Having become a widower, Mr. Karve remarried a Brahman widow in 1893 and revived the Widow Marriage Association of which he remained the Secretary for seven years till 1900. In 1899 he opened a Hindu Widows' Home in Poona City which formed the nucleus for a women's university.[78] The movement for the general uplift of Hindu widows has made steady progress. Maharaja Sir Jatindra Mohan Tagore Bahadur was amongst the earliest benefactors to make a generous endowment (1 lakh) for helping Hindu widows,[79] and amongst local governments Bengal and Madras showed the way by providing stipends and scholar-

[77] *Indian Social Reformer.*

[78] Zacharias, *Op. cit.*, p. 64.

[79] *Bengal Under the Lieutenant-Governors*, Vol. II, p. 1054

ships to encourage the education and training of widows.[80] Pandita Ramabai's[81] *Sarada Sadan* (1889—1893) at Bombay, the Maharani's School at Mysore, the Arya Samaj and the Purity Society in the Punjab and the Hindu Widow Reform League of Lucknow,[82] have done excellent work in this direction.

There has been a steady growth of education among women in modern times[83]; they are coming more and more out of *purdah*, and are displaying growing interest in social and political matters.[84] The All-India Women's Conference, which met for the first time in 1926, is being utilised by women for expressing their opinions about educational and social reforms and for coordinating their attempts to effect these.[85]

Increasing interest is being taken in the medical training of women. The days when ladies of the Brahma Samaj, like Mrs. Ganguli and Miss Sen, had to suffer adverse criticism for going in for medical training are long over. As has been already noted, the Poona Seva Sadan "is carrying on a great work at many centres with special reference to the training of nurses and mid-wives, the promotion of maternity and infant welfare, and the finding of employment for widows.[86] Generous ladies like the wives of several Viceroys following the lead of the Countess of Dufferin have started and helped important institutions. The Lady Dufferin Fund or more properly the "National Association for Supplying Medical Aid by Women to the Women of India," has for its object "the training of

80 Sitanath, *Op. cit.*, p. 13.

81 Ramabai Sarasvati (1838—1922),—a Protestant Convert from Hinduism and a good Sanskrit Scholar.

82 *India in 1923-24*, p. 220.

83 *Vide* Section on 'Education.'

84 *Political India*, 1832—1932, edited by Sir John Cuming, pp. 155—66.

85 *India in 1929-30*, pp. 342-43.

86 *Report of the Indian Statutory Commission*, Vol. I, p. 50.

women as doctors, hospital assistants, nurses and midwives, as well as the provision of dispensaries, wards and hospitals."[87] As a branch of this organisation a special Women's Medical Service was constituted in 1914. The Lady Hardinge Medical College at Delhi trains Indian women for the degree of M.B., B.S. Semi-official organisations like the Victoria Memorial Scholarships Fund and the Lady Chelmsford League as well as the Indian Red Cross Society, a purely voluntary organisation, have also done useful work in this direction ; the two former organisations were amalgamated with the Special Maternity and Child Welfare Bureau of the Indian Red Cross Society on the 1st of January, 1931. At Calcutta the recently started Hospital called Chittaranjan Seva Sadan has shown what Indian ladies can do for Indian women when they have received up to date medical education in India and abroad.

The Women Suffrage Movement has achieved much success since the All-India Women's Deputation waited upon Mr. Montagu in Madras and presented an address to him on 18th December, 1917. The next two decades have seen the steady entry of women into the political field, and in the various councils and corporations women members are now inevitable. In the London parleys about the coming constitution women delegates have taken their part, and even bodies like the Moslem League have now women party leaders. The example shown by Swarnakumari Devi of Calcutta and a few other ladies in the eighties in taking part in the Indian National Congress has borne fruit, and the Congress has had many prominent women leaders and workers.

The spirit of reformation has awakened the public conscience in India to the necessity of elevating the Depressed Classes, comprising about 20 per cent of the whole population of India. While all the Samajas, the Ramkrishna Mission and the Christian Societies have done much valuable work for the uplift of the depressed classes, the Arya Samaj has been

[87] *India in 1930-31*, p. 445.

strikingly active in raising the social status of the 'untouchables' and in the work of "Suddhi" or re-Hinduising individuals and castes that had been converted to other religions, like Islam or Christianity, or Hinduising non-Hindus.[88] Useful services have also been rendered by the Depressed Classes Mission Society of India founded in 1906 in Bombay with the object of elevating "the social as well as the spiritual conditions of the depressed classes, viz., the Mahars, Chambhars, Pariahs, Namasudras, Dheds, and all other classes treated as untouchable in India, by (1) promoting education, (2) providing work, (3) remedying their social disablities, (4) preaching to them principles of Liberal Religion, personal character and good citizenship."[89] The Hindu Mahasabha at its seventh annual session held at Benares in August 1923 passed a resolution for "admitting untouchables to ordinary Hindu privileges." Gandhi has in recent years devoted himself mainly to the work of removing untouchability and improving the lot of the 'Harijans' as he calls the depressed classes. "The philanthropic work which is now gradually being undertaken by voluntary agency for the uplift of the depressed classes, is being reinforced by organised self-assertion on the part of these classes themselves. . . . They are beginning to cast their eyes

[88] *Suddhi* is not a new thing in India. Recently (in *Calcutta Review*, February and March, 1934) Prof. Sri Ram Sarma, M.A., of Lahore, has proved with instances from the study of original sources that "from Sindh to Madura, from Gujarat to Kashmir, from Benares to Thatta, everywhere an almost continuous stream of conversions and reconversions seems to have been running all through the first ten centuries of Muslim rule in India. Hindus not only welcomed their brethren back to their fold from Islam but were prepared to admit Muslims into their faith and did admit them as a matter of fact." Before the advent of Muslims, the doctrine of *Suddhi* was applied by the revived Brahmanism of the Early Middle Ages to the Huns and Gurjaras (being foreign conquerors and settlers) and to Gonds, Bhars, etc. (being aboriginals), and thus arose the purified 'Agnikula' and other Rajput clans. In fact it was through *Suddhi* that various external elements have been absorbed in India at least from the 2nd century B.C., if not earlier from the 6th, or from pre-historic ages.

[89] Farquhar, *Modern Religious Movements in India*, pp. 372-73.

beyond the immediate surroundings of their daily toil; and resentment is replacing the acquiescence of centuries."[90] The Government also has been making systematic efforts for the spread of cooperation and education among them by granting special scholarships, allowances and other educational requirements, by making special provisions for appointments of members of their community in the services, and dealing favourably with the question of their special representation in the legislatures and public bodies (which question has produced many a hitch between them and the "caste Hindus" and has added to the list of communal tensions in India).

It may be mentioned here that the rigours of the caste system have slackened considerably in the last half century; interdining and intermarriages have often taken place and been encouraged in different parts of the country, and sojourners to foreign lands have long ceased to be punished by social ostracism. Civil Marriage provisions, supplementary to the Act of 1872, have in recent years made intercaste and intercommunal marriages easier in the country.

The evils of slavery and infanticide have also been removed. It is known from various sources that a pitiable type of slavery was in the 18th century a long-standing institution in the country. Sir William Jones remarked to a Calcutta jury in 1785:—"Hardly a man or woman exists in a corner of this populous town who hath not at least one slave child either purchased at a trifling price or saved for a life that seldom fails of being miserable. Many of you, I presume, have seen large boats filled with such children coming down the river for open sale at Calcutta. Nor can you be ignorant that most of them were stolen from their parents or bought for perhaps a measure of rice in time of scarcity."[91] But the spirit of reform did not leave this evil untouched. In 1807 the British Parliament abolished slave *trade*; in 1811 the East India Company's

[90] *India in 1923-24.*

[91] O'Malley, *History of Bengal, Bihar and Orissa*, p. 359.

Government forbade the importation of slaves from any *other* country into India, and in 1832 "the purchase and sale of slaves brought from one district to another was made a *penal* offence." By the Charter Act of 1833 the Governor-General was required to take steps for the *abolition* of slavery "as soon as emancipation should be safe and practicable." By Act V of 1843 slavery in India was rendered illegal ; and maintenance of or trade in slaves became a criminal offence under the Indian Penal Code of 1860.[92] But slavery has existed to our own days in places like Ceylon and North-Eastern Frontiers of Burma, to abolish which the Government of India has conducted several anti-slavery operations.[93] The evil of infanticide in different parts of Western and Central India was also removed through the activities of Lord William Bentinck and other British officers such as Wilkinson, Willoughby, Erskine, Jacob, Pottinger and Melville.[94]

SECTION III

EDUCATION ; LITERATURE AND ART

The education that men receive always exercises a potent influence in moulding the course of history of a country. The Indian Reformation of the nineteenth century, as we have already noted, has been intimately connected with the changes in educational ideas and institutions, the history of which may now be briefly attempted.

It is clear from a study of facts preserved in works like Buchanan's Journals, Bishop Heber's Journals, Adam's Report

92 *Cambridge History*, Vol. VI, p. 128.

93 *India in 1930-31*, pp. 23—25. Slavery has been abolished very recently in Nepal by a brave act of the late ruler. Until recently the 'Bharār Meye,' or kidnapped girls brought down the rivers by slave-trading boats, to be sold in marriage at fairs to high caste families, were a feature of Bengal Society in the riparian districts.

94 *Cambridge History*, Vol. VI, p. 131.

and Correspondence, etc., in vernacular literature and periodicals of the early nineteenth century and in accounts of the early missionaries like Ward's *History of the Hindus*, that the whole country was covered with institutions for primary and higher education when the English were trying to build up their political dominion in India during the second half of the eighteenth and the early nineteenth centuries.[95] "The English found in India," writes F. W. Thomas, "a widespread system of elementary and higher education, of which the former was mainly practical, the latter mainly literary, philosophical and religious.[96] Sir Thomas Munro, as Governor of Madras, came to know by enquiries in 1821, by which time the earlier tradition of national education was almost dead, that in a total provincial population of 12,850,941, there were actually 184,170 students (i.e., 1½ per cent of total and probably about 10 per cent of the population of school-going age) attending schools, besides those who received instruction at home.[97]

During the early period of its administration in India at least till 1813, the East India Company "did not recognise the promotion of education among the natives of India as part of its duty or concern."[98] "The rulers," remarks Monier-Williams,[99] "feared the evil consequences of education for the ruled, and the ruled anticipated no good results for themselves." But while this was generally true, there were, even

95 For indigenous education in Bengal, *vide* an article by Duff in *Calcutta Review*, 1844; for an account of it in the Punjab, see Lictner's *Report*, 1883.

96 *History and Prospects of British Education in India*, London, 1891, p. 148.

97 *Ibid.*, pp. 3-4. It is noteworthy that a number of methods in elementary instruction developed in Europe in the early and late nineteenth century, specially those associated with the names of Bell and Lancaster and Montessori, were traditionally in use in native Indian primary education as late as the early nineteenth century.

98 Syed Mahmood, *A History of English Education in India*, p. 2.

99 *Modern India and the Indians*, p. 288.

during this period, three forces that were working for the cause of a New Education in India:—(a) the efforts of some of the civil officers of the East India Company, (b) the activities of the missionaries and (c) the attempts of some benevolent and public-spirited Indians. Among the early efforts of English officials for the cause of education in India we may mention here that Warren Hastings founded in 1781 the Calcutta Madrassa[100] to fit Indians for "the numerous offices of the British Government,"[101] and in 1791 Jonathan Duncan, Resident at Benares, opened in that holy city a Sanskrit College "designed to cultivate the laws, literature, and religion of the Hindus, and specially to supply qualified Hindu assistants to European judges." In 1785 Sir William Jones of the Calcutta Supreme Court established, with the help of Warren Hastings, the Bengal Asiatic Society, which has, through its literary collections and publications, played an important part in the cultural history of Modern India, and of the Modern World as well, by making Ancient Indian thought available to Europe, and European scientific scholarship to India. Sir Charles Grant, who served in the commercial branch of the Company in Bengal from 1773—1790 and ultimately became a director of the Company, presented to the Court of Directors in 1797 a treatise written in 1792, in which he advocated the introduction of English education among the Indians.[102]

[100] For details, reference may be made to *Bengal: Past and Present*, January—June, 1914.

[101] Sharp, *Selections from Educational Records*, Vol. I, p. 8.

[102] It should not be concluded from the comparatively late introduction of an English *system* of education that there was no knowledge of English language and Western civilization amongst Indians in the eighteenth century. Itsam-ud-din, a Bengali of Nadia district, was well-versed in English, and as such found high employment in E. I. C. and native Indian courts; and he went to England in 1767 as an envoy of Shah Alum to the English court, and has left an interesting account of his European experiences. There were many others like him, who acquired European education and experience, ever since the Portuguese settled in India (*vide* Winternitz: *History of Sanskrit Literature*, Vol. I, Introduction).

About the working of the other forces it should also be carefully noted in this connection that the missionaries in India especially the Baptist missionaries like Carey and his co-adjutors, Thomas, Marshman and Ward, from their safe refuge at Serampore, a Danish settlement sixteen miles north of Calcutta, made strong endeavours for the conversion and education of the natives in spite of the Despatch of the Court of Directors, dated 7th December, 1808, " declaring their policy of strict neutrality in all matters religious, and in spite of the contempts thrown on their efforts at home."[103] They started there a paper manufactory and a printing press, from which they brought out translations of the Bible in twenty-six vernaculars including *Bengali, Marathi* and *Tamil* ; in 1801 Carey was appointed a Professor of Bengali in the newly-established institution in Calcutta for the training of young civil servants of the Company called the College of Fort William. Another pioneer in education was David Hare, who " spared no personal trouble, money or influence " for the cause of education in Bengal. The Bishops' College, an important missionary institution, was founded in Calcutta in 1820. Among the philanthropic Indians working for the cause of education in India about that time were Raja Rammohan Ray, Raja Radhakanta Deb, Maharaja Tejascandra Rai Bahadur of Burdwan,[104] and Jayanarain Ghosal who established a school at Benares for the teaching of English, Persian, Hindi and Bengali.[105] The exertions of Raja Rammohan, Mr. David Hare and Sir Hyde East, the then Chief Justice of the Supreme Court, led to the establishment in 1816 of the Hindu Maha-Vidyalaya or Hindu College of Calcutta, which later on developed into the Presidency College of Calcutta.[106] It is clear from the letter which

103 R. W. Frazer, *A Literary History of India*, p. 390.

104 B. N. Banerjee, *Op. cit.*, Part I, p. 23.

105 *Ibid.*, p. 22; Frazer, *Op. cit.*, p. 394.

106 It is interesting to compare the Hindu Mahavidyalaya of early nineteenth century and the Hindu Visvavidyalaya of the early twentieth century in origin, characteristics and results.

Sir Hyde East addressed on 18th May, 1816, to his friend Mr. J. Harington, a brother judge then absent in England,[107] that Rammohan was the "prime mover in founding the Hindu College. The leading Hindus of Calcutta disliked his association with it, as he was regarded by them as a heretic and more of a Musalman than a Hindu. Rammohan, therefore, very wisely withdrew from the movement, lest the objects of the institution should be frustrated in consequence of his name appearing on the Committee of Management."[108] About the same time (1816-17 A.D.) Rammohan established an English school at Suripara in Calcutta for the *free* instruction of Hindu boys,[109] and he continued to patronise modern as well as classical education in a number of ways.

In England, Grant and Wilberforce were urging the necessity of introducing English education in India; and in India, Lord Minto with his colleagues, T. Lumsden, G. Hewett and the famous orientalist H. T. Colebrooke, issued a minute on the subject of education on the 6th of March, 1811, deploring the 'lamentable decay of learning' in the country and suggesting means for its improvement.[110] Two years later, at the time of the renewal of the East India Company's Charter, a clause was inserted in the East India Company Act of 1813 which is famous "as containing the first legislative admission of the right of education in India to participate in the public revenues,"[111] as it authorised the Governor-General in Council "to direct the application to education of an annual sum not less than one lakh of rupees." Lord Hastings in his Minute of

[107] This document has been unearthed by Mr. B. N. Banerjee, and has been published in the *Journal of Bihar and Orissa Research Society*, June 1930.

[108] *Ibid.*, p. 160. It is difficult to parallel this act of self-abnegation in national service in the last century of Indian social and political history.

[109] *Ibid.*, pp. 160—64; *Rammohan Centenary Booklet*, No. 1, pp. 44-45.

[110] Sharp, *Op. cit.*, pp. 19—21; Long, Selections from the unpublished Records of the Government.

[111] Sharp, *Op. cit.*, Part I, p. 18.

1815 recognised the pressing need for education ; before his retirement in 1823 the Government distributed grants to two educational societies, the Calcutta School Book Society and the Calcutta School Society[112] and a Committee of Public Instruction was appointed by Adam, Hastings' temporary successor, from among the civil servants, with Horace Hayman Wilson, the famous Orientalist, as secretary, to superintend the expenditure of the sum granted in 1813.

But a new difficulty arose regarding the medium of instruction (vernacular or English) and the type of education (classical oriental or modern western in contents). Rammohan advocated English education and protested against "*the introduction of the unmixed Sanskrit system of education,*" in his letter to Lord Amherst, dated 11th December, 1823.[113] Rammohan's protest bore no *immediate* fruit ; the Committee opened a Sanskrit College in Calcutta in 1824, and another College at Delhi in 1825 "for instruction in the three classical languages of India." For several years a fierce controversy continued between the 'Orientalists' and the 'Anglicists.' Lord Macaulay, who had been appointed as the Law Member of the Council of the Governor-General of India, arrived in India on 8th June, 1834, and was appointed President of the Committee of Public Instruction. He issued his well-known Minute of 2nd February, 1835,[114] in which "he adopted and defended the views of the English section in the Committee,"[115] and vehemently denounced Oriental Literature of which he knew nothing. He favoured introduction of the Western system and subjects of education from a point of view very different from that of the wise Rammohan. While Lord Macaulay's championship of English education has been of profound significance in

112 *Cambridge History*, Vol. VI, p. 104. For details *vide*, *Bengal : Past and Present*, 1914.

113 *Journal of Bihar and Orissa Research Society*, June 1930, pp. 166—70; Syed Mahmood, *Op. cit.*, pp. 28-29.

114 Sharp, *Op. cit.*, Part I, Chapter VI.

115 Trevelyan, *Life of Macaulay* (1881), p. 290.

the intellectual history of Modern India, his unjust denunciation of Eastern Literature, culture and knowledge has produced undesirable results; Mr. J. Ramsay MacDonald aptly remarks that "to read Lord Macaulay's confused thinking in virile and dashing English is enlivening, to study it is melancholy. It mixed up subjects to be taught with the language in which they ought to be taught, and it displayed no appreciation of the fact that the Indian mind was a product of history and not a blank sheet of paper upon which anything could be written by any teacher."[116] Lord William Bentinck had already in the month of January, 1835 appointed William Adam, the well-known ex-missionary, to make enquiries into the state of indigenous education in Bengal; but after the issue of Macaulay's Minute he and his Council expressed "entire" concurrence with Macaulay's views and passed the famous Resolution of 7th March 1835, which declared that "the great object of the British Government ought to be the promotion of European literature and science amongst the natives of India," that "all the funds appropriated for the purposes of education would be best employed on English education alone," and that "for the future all funds set apart for education should be devoted to that purpose, and no portion of them be expended on the printing of Oriental works."

Lord Auckland modified to some extent Lord William Bentinck's resolution[117] and a grant of 500 rupees a month was sanctioned to the Asiatic Society of Bengal with which it carried on the valuable *Bibliotheca Indica* series of Sanskrit, Arabic, and Persian texts.[118]

In 1842 a Council of Education superseded the Committee of Public Instruction, but its activities were limited to Bengal. James Thomason, Lieutenant-Governor of the North-West

116 *The Government of India*, p. 165.

117 For details *vide* his Minute dated 24th November, 1839, printed in Sharp, *Op. cit.*, Part I, pp. 147—70.

118 *Cambridge History*, Vol. VI, p. 114.

Provinces from 1843—1853, started a new experiment in the field of education by devising a *halqabandi* (circle) school system "whereby villages were grouped in circles of five, the landholders of each group undertaking to pay for a school by a voluntary cess of 1 per cent on the land revenue. This system was in 1852-53 introduced into eight districts and was afterwards extended as other districts came under land-revenue settlement. The scheme, as sanctioned by the Directors, involved the levy of a cess of 1 per cent on the rent, which was deducted before the revenue was calculated, so that payment was shared by the government and the landholder."[119] Some efforts were made by the Government also in Bombay and Madras, but "uniformity and constancy of aim were lacking in the educational policies of the various provincial governments.[120] The most important government institutions at that time were the Medical College started in Calcutta in 1835, the Thomason Engineering College at Rurki in the North-Western Provinces and an institution in Madras bearing in 1852 the title of the 'Madras University High School.' The years following 1835 were so far as education was concerned "years of varying opinion, uneven direction, and scanty expenditure."[121]

The educational despatch of 19th July, 1854, drafted by Sir Charles Wood, President of the Board of Control, and forwarded to India through the Court of Directors, forms a landmark in the history of education in Modern India by supplying the basis for the present system. It commended to the special attention of the Government of India, "the improvement and far wider extension of education, both English and vernacular," and prescribed "as the means for the attainment of these objects:—(1) the constitution of a separate department of the administration for education, (2) the institution of Universities at the Presidency towns, (3) the establishment of institu-

119 *Ibid.*, p. 116.

120 *Ibid.*, p. 117.

121 *Ibid.*, p. 120.

tions for training teachers for all classes of schools, (4) the maintenance of the existing Government Colleges and High Schools, and the increase of their number when necessary, (5) the establishment of new Middle Schools, (6) increased attention to Vernacular Schools, indigenous or other, for elementary education, (7) the introduction of a system of grants-in-aid on the principle of perfect religious neutrality, (8) a comprehensive system of scholarships to be instituted, so as to connect Lower Schools with Higher, and Higher Schools with Colleges and (9) female education which was to receive the frank and cordial support of Government."[122]

In pursuance of the despatch of 1854 Educational Departments were established in each of the Presidencies and "before the end of 1856 the new system was fairly at work."[123] A Director of Public Instruction was appointed for each province with a staff of Inspectors and Assistant or Deputy Inspectors under him. Prof. Dodwell has noted the 'officialised' character of the new Educational Departments thus created and has pointed out that the men in charge of these departments being 'primarily administrators' education "tended to become a matter of administration and routine."[124]

It was during the dark days of the Mutiny, in the year 1857, that Universities were significantly founded in Calcutta, Madras and Bombay, on the model of the newly developed University of London, that is, as examining bodies and not as teaching and residential institutions; subsequently one University was established for the Punjab at Lahore in 1882 and one for the North-West Provinces (modern U. P.) at Allahabad in 1887. These Universities had a Chancellor, a Vice-Chancellor and a Senate with a governing body, and controlled by their

[122] Syed Mahmud, *Op. cit.*, p. 85; *vide* also *Report of the Indian Education Commission* (1882), pp. 22-23, and *Calcutta Review*, 1860, pp. 401—26.

[123] *Report of the Indian Education Commission* (1882), p. 25.

[124] *A Sketch of the History of India*, p. 203.

examinations the courses of study in the colleges affiliated to them. The candidates were admitted into colleges after they had passed their Entrance examinations. Colleges and Schools rapidly multiplied, and by 1882 more than two and a quarter million pupils received instruction in public institutions.

In February 1882 Lord Ripon's Government appointed an Education Commission consisting of twenty-two members (English and Indian) with Sir W. W. Hunter as President, and the Commission was charged with the duty of enquiring into "the manner in which effect had been given to the principles of the despatch of 1854, and of suggesting such measures as might seem desirable in order to further carrying out of the policy therein laid down."[125] The chief object of enquiry was to be the "present state of elementary education and the means by which this can everywhere be extended and improved." The Commission collected various information on the subject of Indian education and made useful recommendations advising increased reliance upon private enterprise and management. With the growth of Local Self-Government after 1882, the Municipalities and the Local Boards have been entrusted with powers for managing schools. Between 1886 and 1901 the numbers of college students throughout India went up from 11,501 to 23,009 and those in secondary schools from 429,093 to 633,728; and expenditure on education rose from 132·82 lacs of rupees in 1885 to 177·04 lacs in 1901.

Lord Curzon's viceroyalty witnessed an important change in the sphere of education as in other spheres of administration. Possessed of great energy and considerable insight into the details of administration, Lord Curzon realised the importance of reorganising and of effectively controlling the educational institutions of the country. After a preliminary enquiry the Viceroy summoned in September 1901 a conference at Simla, consisting of the principal education officers of the country "to consider the system of education in India." In

[125] Quoted in Syed Mahmud, *Op. cit.*, p. 98.

January 1902 he appointed a Universities Commission "to enquire into the conditions and prospects of the Indian Universities, to report upon proposals which might improve their constitution and working, and to recommend such measures as might tend to elevate the standard of University teaching and to promote the advancement of learning."[126] The Commission was presided over by Mr. (afterwards Sir) Thomas Raleigh, legal member of the Viceroy's Executive Council, and included Mr. Syed Hossain Bilgrami, a distinguished Muhammadan who was Director of Public Instruction in the Nizam's dominions and Mr. (afterwards Sir) Gurudas Banerjee, a judge of the Calcutta High Court. In June 1902 it presented its report and upon its recommendations was based the Universities Act of 1904. "As was to be expected under a Viceroy who was a great autocrat with an overwhelming faith in the efficiency of Government machinery, the chief purpose of the Act of 1904 was to tighten the hold of the Government on the Universities, and in the first place on their Senates, which were still retained as the ruling bodies, by reducing their total numbers whilst increasing to an overwhelming majority the proportion of those nominated by the Chancellor and giving ex-officio seats on them to Provincial Directors of Public Instruction. In the Syndicates, which were the executive bodies, provision, at first sight effective, was made for a large number of college teachers, but none was eligible who was not already a member of the Senate. Increased powers of supervision over existing colleges and the imposition of more stringent conditions for the affiliation of new ones, were steps in the right direction, but they came too late and made no attempt to deal with the fungus-growths which, in so many schools, were rotting the foundations on which a sound college education could be built up. New Faculties were created to deal with the university curricula and with the methods of university examinations, but these were also to be mere emana-

[126] Lovat Fraser, *India Under Curzon and After*, p. 189.

tions from the Senate. Practically nothing, was henceforth to be done without the approval of Government."[127] Protests from different quarters were raised "against such a comprehensive scheme of officialization."[128] But the Act was not entirely barren of good results. Though Sir Asutosh Mukherjee, the greatest Vice-Chancellor of the Calcutta University and one of the noblest sons of Bengal, opposed it vigorously, he took advantage of it to create the present teaching branch of the University of Calcutta (functioning from 1909).

In 1910 control of education was transferred from the Home Department of the Government of India to the newly created Department of Education with an Office of its own and Resolution dated 21st February, 1913, of Sir Harcourt Butler, a Member to represent it in the Executive Council. The the first education member of the Governor-General's Council, laid down certain lines for advance and recommended the establishment of teaching and residential Universities. The Dacca and Patna University Commissions were accordingly appointed, but their reports were not acted upon or entirely deviated from owing to the war and other causes. The growth of local and communal patriotism has in the last two decades led to the establishment of Universities at different centres, *viz.*, Patna, Lucknow, Rangoon, Dacca, Delhi, Nagpur, Waltair (Vizagapatam), Chidambaram, Benares, Aligarh, Hyderabad. We have already referred to the Indian Women's University at Poona ; the Visvabharati (The 'World and India' University) of Dr. R. N. Tagore at Shantiniketan, Bolpur, is known for its cosmopolitan cultural outlook. Lord Chelmsford (1916—21) appointed the Calcutta University Commission for enquiring into working and needs of that university with Dr. (afterwards Sir) Michael Sadler as President, though Sir Ashutosh Mukherjee was its moving spirit. The report of the Commission was published in August 1919, and in the following January the

127 Chirol, *India*, p. 141.

128 *Ibid.*

Government of India issued a Resolution drawing special attention to the following points:—(1) "High Schools fail to give that breadth of training which the developments of the country and new avenues of employment demand, (2) the Intermediate Section of University education should be recognised as part of School education and should be separated from the University organisation, (3) the defects of the present system of affiliated colleges may be mitigated by the establishment of a strong central teaching body, the incorporation of unitary universities (as occasion arises), a modification of the administrative machinery which will admit of fuller representation of local interests, and supervision of different classes of institutions by several appropriately constituted bodies." The recommendations of the Commission have been given effect to in some of the provinces in harmony with local conditions,[129] but the Calcutta University itself has remained unaffected and has thus derived no benefit from the labours of the Commission. In May 1924, the Government of India summoned a Universities Conference at Simla where representatives from all the Indian Universities were invited. The most important resolution of the Conference was one relating to the establishment of an Inter-University Board for India, which has now been functioning for some years, rather weakly; its only important contribution so far (1934) is the introduction and discussion of the idea of 'Federal' Universities which might avoid wastage and concentrate university teaching.

Since the Reforms, Education has become a transferred subject in each province under the responsibility of a Minister. The latest review of the state of education in India was made by an Auxiliary Committee of the Indian Statutory Commission in 1927. This Committee was presided over by Sir Philip Hartog and included other prominent educationists, British and Indian. In the opinion of the Hartog Committee, "so far as mere quantitative increase in the numbers under instruction is con-

[129] *India in 1924-25*, pp. 283—86.

cerned, there has been a phenomenal advance since the inception of the Reforms. In 1917 the total school-going population of British India attending primary classes numbered 6,404,200. In 1922 it had risen to 6,897,147, and the latest figure available is 9,247,617 for the year 1927" ; but there have been in its opinion much of "stagnation" and "wastage" and the whole system needs "regulation." In short education has spread but deteriorated, more money is spent on it but less thought, so that while some political advantage has been gained, academic advance and national profit have not been up to the expectations raised by the formation of education ministries.

Female education in modern India has been an interesting and important topic. Education of women was a characteristic feature of ancient India, and even in medieval India it was not unknown ; in spite of the political changes and disorders of several centuries, the tradition survived in the early part of the nineteenth century.[130] Instances were many of women educating themselves out of religious considerations[131]; secular motives were also not entirely absent. Mr. William Adam (in 1833-34) who had been commissioned by Lord William Bentinck to survey the state of indigenous education in Bengal, writes in his second report on Vernacular Education in Bengal that the Zamindars in general instructed "their daughters in the elements of knowledge, although it is difficult to obtain from them an admission of this fact. They hope to marry their daughters into families of wealth and property and they perceive that without a knowledge of writing and accounts their daughters will not in the event of widowhood be competent to manage their deceased husband's estates, and will unavoidably become a prey to the interested and unprincipled." We have it on the authority of Raja Radhakanta Deb of Calcutta that most of the

130 B. N. Banerjee, *Op. cit.*, Part I, pp. 7—9.

131 Sitanath, *Op. cit.*, pp. 38-39.

female members of his family were educated.[132] But the subject of female education received a new impetus from the spirit of renaissance which characterised the nineteenth century, and we find that long before the Government paid any attention to this subject, a few enterprising missionaries and some philanthropic individuals like Raja Rammohan Ray, Raja Baidyanath Ray of Calcutta and others took it up. We cannot enter here into the details of all these early enterprises,[133] but mention may be made of the very notable attempts for the spread of female education in Calcutta and the surrounding districts since 1821 by Miss Coke (afterwards Mrs. Wilson). Missionary efforts however could not influence the members of the higher classes who often suspected these, and pupils were thus recruited mostly from the lower ranks of the society. Their efforts were attended with partial success in other parts of India as well, notably in the Bombay and Madras Presidencies.

These early endeavours received no encouragement from the Government and it was so late as in May, 1849, that the first school for the education of the girls of high class Hindu families was established in Calcutta under the name of the Hindu Valika Vidyalaya through the efforts of Mr. Drinkwater Bethune, Law Member of the Governor-General's Council, and of Pandit Iswarchandra Vidyasagar. The Hon'ble Justice Sambhunath Pandit (the first Indian Judge of the High Court of Judicature at Fort William), Babu Ram Gopal Ghose (a leading merchant of the time and the first Indian public man to make his orations in English of literary merit), and Pandit Madanmohan Tarkalankar (a well-known Bengali author of these times), were the chief supporters of the school. The

132 Referred to in *Ibid.*, from Raja Radha Kanta Deb's essay on 'Female Education,' Calcutta, 1821.

133 Reference may be made to Sitanath, *Op. cit.*, pp. 33—40; Monier-Williams, *Modern India and the Indians* (Third Edition, London, 1879), pp. 322—24; B. N. Banerjee, *Op. cit.*, Part I, pp. 9—12; Sharp, *Selections from Educational Records*, Part II, pp. 32—51.

Governor-General, Lord Dalhousie, also recorded in his minute dated 1st April, 1850, that Mr. Bethune, for doing " a great work in the successful introduction of Native Female Education in India," has " earned a right not only to the gratitude of the Government but to its frank and cordial support."[134] He also made grants of money for " aiding existing girls' schools."[135] But Sir Charles Wood's Despatch of 1854,—though it expressed concurrence with Lord Dalhousie's declaration,—devoted only one paragraph out of one hundred to the subject of female education. Paragraph 83 of it runs thus :—" The importance of female education in India cannot be overrated, and we have observed with pleasure the evidence which is now afforded of an increased desire on the part of many of the natives of India to give a good education to their daughters. By this means a far greater proportional impulse is imparted to the educational and moral tone of the people than by the education of men. We have already observed that schools for females are included among those to which grants-in-aid may be given, and we cannot refrain from expressing our cordial sympathy with the efforts which are, being made in this direction." But soon after the Mutiny, Lord Canning's Government, anxious to avoid giving any impression of trying to revolutionise Indian Society, declared that girls' schools should be really supported by voluntary aid.[136] In 1867 a circular was issued to the effect that the Government could take no initiative in the case of girls' schools as it had done in the case of schools for boys, but could encourage the then existing schools by grants-in-aid. Nevertheless some action was taken. In 1870 out of £316,509 expended on education in the Bengal Presidency, £1,173 was given to Government girls' schools and £4,462 to aided girls' schools, chiefly in the North-West and the Punjab ; out of £198,182 spent in

[134] *Ibid.*, p. 56.

[135] Monier-Williams, *Modern India and the Indians*, p. 325.

[136] Monier-Williams, *Op. cit.*, p. 325.

Bombay £4,000 was assigned to government female schools; in Madras the Government did not maintain a single girls' school.[137] In 1875 there was about 1,000 government female schools, with about 34,000 pupils, in all the eight provinces under Governors, Lieutenant-Governors and Commissioners.[138]

It was with the revival of Liberalism in the time of Ripon that the Education Commission of 1882 advised that "female education should receive special encouragement and be treated with special liberality."[139] Government grants thereafter began to be more freely used and Government management more freely resorted to than before, and this led to a substantial growth of female education in the succeeding decades.

Besides missionary and state efforts, the activities of the various reformed social groups and other associations, such as the Brahma Samaj, the Arya Samaj, or the Servants of India Society, have considerably furthered the cause of women's education. Every important branch of the Arya Samaj has a girls' school under its control. In the Brahma Samaj, men like Messrs. Keshav Chandra Sen and Sasipada Bannerji,[140] and women like Lady J. C. Bose and Mrs. P. K. Ray have rendered conspicuous services to this cause. Some members of this Samaj have also from time to time started journals for the promotion of education and culture amongst women, such as (a) the *Bamabodhini*, started in 1864 and edited by the late Umeshcandra Datta, (b) the *Abalabandhava*, started about 1869 by the late Dwarkanath Ganguli, (c) the *Mahila* edited by the late Girishchandra Sen, (d) the *Antahpura* started by Sasipada Bannerji, (e) the *Bharati*, started by Dvijendranath Tagore and long edited by his accomplished sister, the novelist Srimati Svarna-kumari Ghosal and her talented daughters, (f) the *Bharatamahila*, (g) the *Suprabhata*, started by two graduate

137 *Ibid.*, pp. 325-26.

138 *Ibid.*

139 *Imperial Gazetteer*, Vol. IV, p. 431.

140 Sitanath Tattvabhusan, *Philosophy of Brahmaism*, pp. 360—68.

sisters, Srimatis Kumudini and Basanti Mitra. Dr. Mrs. Ganguli of the same Samaj, the first Indian lady to become a professional physician on western lines, was also, jointly with Miss Chandramukhi Bose (a Bengali Christian, later on well-known as for long the Principal of the Bethune College for women), the first Indian girl, to enter the University, at Calcutta in 1876. The Deccan Education Society has also made important contributions to the cause of female education, and Karve's Women's University, having in 1931 twenty-four institutions, mainly in Gujarat and Maharashtra, affiliated to it, is the brilliant result of the sincere exertions of Dhondo Keshav Karve and Sir R. G. Bhandarkar, both connected with the Fergusson College of Poona.

Thus female education has progressed in modern times through the agency of various forces, and we have now women teachers, professors, poets and novelists, doctors and scientists, legislators and statesmen of repute. Among the famous women poets of the period under review the names of Toru Dutt, the "marvellous girl that perished before her prime,"[141] of Mrs. Svarnakumari Ghosal and Mrs. Sarala Devi Chaudhuri, of Mrs. Sarojini Naidu (*nee* Chatterjee) and Mrs. Kamini Ray, deserve special mention, though there are many others in the field. But with all these India has as yet achieved little[142] as compared with other countries in this essential matter of national importance. The Hartog Committee as well as the Indian Statutory Commission recognised the "importance of the education of the girls and women in any scheme of national organisation"; the country has not of course failed to realise this fact and now it thinks of necessary changes in the rather out of date and unsuitable system of education for women.

141 Macnicol, *The Making of Modern India*, p. 170.

142 Literate females per mille aged 5 and over:

1921	21
1931	29

Census Report, 1931, Vol. I, Part I, p. 325.

The recent (1934) session of the Delhi Women's Conference "views the present system of education as injurious to the best interests of the girls and requests the leading educationists of the country to devise a simple and useful course of education for girls and further urges that every girl should be given technical education." For more than 20 years now the number of girl students reading in men's colleges has steadily increased ; in fact co-education in all the three grades of Educational Institutions has come to stay and is becoming an important and inevitable problem demanding careful handling.

Increasing contacts with the outside world, a revived and finer appreciation of the national culture of past ages, the urge of thorough reformation in all aspects of life and society, and the development of new situations and problems in the country, have all stimulated deep and creative thought and have inspired Literature and Art with stirring ideals and set up fresh and higher standards. The Indian genius has unfolded and is unfolding itself superbly in manifold petals, in different branches of thought and knowledge. Thus Literature has expanded in all possible channels,—prose or poetry, fiction or essay, drama or epic, lyric or ballad. All the vernaculars have been, more or less, earlier or later, on the path of progress. We may here review briefly the advance of the more important ones: Bengali, Hindi, Urdu, Marathi and Gujarati in the North, and Tamil, Malayalam and Telugu in the South.

As during the fourteenth, fifteenth and sixteenth centuries the impetus for the development of vernacular literatures was supplied by the religious reformation movements of the time, so also in the nineteenth century the inspiration came first from the movements for social and religious reformation, and as such the literary progress in Modern India is also an aspect of the general awakening of the age. At the same time the influence of the British connection and of Western Education on the growth of Indian Literatures has also been considerable.[143]

[143] Western Influence on Bengali Literature, *Calcutta Review*, November-December, 1931.

British rule made it possible for India once more to think of literature and art in an atmosphere of peace and order after the troubled years of the eighteenth century ; English education placed before her writers new ideas and models,[144] and the rapid expansion of the Press helped the multiplication and circulation of books. "The Hindu intellect" remarks Mr. R. C. Dutt, "came in contact with all that is noblest and most healthy in European history and literature, and profited by it."[145]

During the closing years of the eighteenth century and the beginning of the nineteenth the Serampore Missionaries, notably Carey, Marshman and Ward, and the *pandits* and *munshis* of the Fort William College were trying to create something like a prose literature in Bengal. Whatever might have been their objects, their efforts produced good literary results.[146] But it was Raja Rammohan Ray who during the tens and twenties of the nineteenth century devised and used effectively a powerful prose style for his work of reformation, and has thus been justly regarded as being "practically the father of the modern Bengali literary prose." He was also a poet and was the first to compose theistic hymns in Bengali. During the thirties Isvarchandra Gupta (1809—58) enriched Bengali poetry with his easy-flowing "witty and interminable verse, displaying a copious power of the language unsuspected before."[147] He was succeeded in the forties by two prose-writers and essayists writing with considerable force and grace on topics of social and educational reforms, Srijut Akshay Kumar Datta (1820—86) and Pandit Isvar Chandra Vidyasagar (1820—91). A number of talented writers belonging to the Brahma Samaj, like Maharsi Devendranath Tagore, Raj Narayan Basu, Kesavchandra Sen, Dvijendranath Tagore, and Pandit Shiv-

[144] Sushil Kumar De, *History of Bengali Literature in the Nineteenth Century*, pp. 62-63.

[145] *Literature of Bengal*, p. 136.

[146] S. K. De, *Op. cit.*, Chapters III—VI.

[147] R. C. Dutt, *Op. cit.*, p. 237.

nath Shastri continued the work of Akshay Kumar after his retirement from the field, and also produced a religious and philosophical literature of high merit. Vidyasagar was similarly followed by another group of literary men like Bhudev Chandra Mukherjee (1825—94), Peary Chand Mitra, Pratap Chandra Ghosh, Kaliprasanna Sinha and others.[148] Ram Narayan Tarkalankar, produced in 1854, the first original dramatic work in Bengali named *Kulina-kula-sarvasva,* holding up therein the custom of Kulinism and polygamy "to deserved ridicule and contempt." After him Michael Madhusudhan Datta, whose Christian education had yet enabled him to appreciate the best in ancient Indian literary tradition, produced his 'renaissance' plays the *Sarmistha* in 1858 and the *Tillottama* in 1860, on Sanskritic models, and in the next year brought out his monumental epic in blank verse (a new instrument in Bengali prosody), the *Meghanada-vadha-Kavya,* which has immortalised his name. The tradition thus created in the field of Bengali Literature was ably maintained by writers like Hemchandra Bannerjee and Nabinchandra Sen flourishing during the eighties of the nineteenth century. The line of dramatic composition, given up by Madhusudhan Datta for epic poetry, was resumed by others, the most prominent being Dinabandhu Mitra, who in 1860 brought out his *Nila Darpan,* a vigorous satire on the indigo planters of Jessore and Nadiya. In subsequent years the writings of Girish Chandra Ghosh,[149] Amrita Lal Bose and D. L. Roy have added to the richness, variety and power of Bengali dramatic literature ; the influence of the Bengali historical, social and psychological dramas on the formation of the national and social life of not only Bengal but of all India cannot be over-estimated from the close of the nineteenth

148 Mitra wrote a delightful social tale of Bengal, '*Alaler gharer dulal*'; Ghosh wrote '*Bangadhipaparajaya*'; and Sinha translated the *Mahabharata* in classic prose.

149 *Victoria Yuge Bangala Sahitya,* by Rai Saheb Haranchandra Rakshit, pp. 325—30.

and the beginning of the twentieth century, this stream has been broadening considerably, and we refrain from a survey thereof.

The mingling of the old with the new, a characteristic feature of nineteenth century history, is nicely illustrated in the works (1864—1894) of Bankimchandra Chatterjee, the first great novelist, and of Madhusudhan Datta (1861) the first great epic writer of modern Bengal. Both of them learnt their art and manner from master writers of the West, but made the new thing their own and enriched the native literature and style thereby. "Bankimchandra is in prose what Madhusudhan is in verse,—the founder of a new style, the exponent of a new idea. In creative imagination, in gorgeous description, ... Madhusudhan and Bankimchandra stand apart from the other writers of the century."[150] Bankim's earliest historical novel *Durgesanandini* appeared in 1864, and was followed by other subsequently famous romances and social and political novels like '*Kapalakundala,*' '*Mrinalini,*' '*Visa-vriksha,*' '*Devi Chaudhurani,*' '*Ananda Math*' and '*Krishnakanter Will.*' In his later years he began to write on religious subjects and published his '*Krishna Charitra*' in 1886. "Bankim Chandra Chatterjee," in the opinion of Mr. R. W. Frazer, "is the first great creative genius modern India has produced. For the western reader his novels are a revelation of the inward spirit of Indian life and thought."[151] Bankim had a worthy successor in Ramesh Chandra Dutt, who produced the following well-known novels in quick succession,—'*Banga-Vijeta* (1874), '*Rajput Jivana-sandhya*' (1878), *Madhavi-Kankan* (1876), '*Maharashtra Jivana-Prabhata*' (1877), '*Samsara*' (1885), and '*Samaja*' (1895). Many other novelists of merit (including women) have since appeared in modern Bengal, and amongst their outstanding literary productions are '*Dipa-nirvana*' by Srimati Svarnakumari Ghosal, '*Svarnalata*' by Tarak Chandra Ganguli, and '*Meja Bau*' by Pandit Shivanath Shastri. In sub-

150 *Ibid.*, p. 281.

151 *Literary History of India*, p. 420.

sequent years, the field of fiction has been dominated by Rabindranath Tagore and Sarat Chandra Chatterjee and their numerous followers, and quite recently a bold realistic school of fiction writers have appeared. Essayists like Kali Prasanna Ghosh of Dacca, the author of '*Prabhata-chinta* and *Nibhrita-chinta*, Rajkumar Mukherjee, Chandra Nath Basu and others, have also added to the variety of Bengali literature; some notable biographical works of this period are, *Life of Rammohan Ray* by Nagendranath Chatterjee, *Life of Akshaya Kumar Datta* by Mahendranath Vidyanidhi, *Life of Madhusudhan Dutta* by Jogendra Chandra Basu, *Life of Vidyasagar* by Chandi Charan Banerjee, *Life of Maharaja Manindra Chandra Nandi* by Savitriprasanna Chattopadhyaya, etc. High class autobiographies began with Maharsi Devendranath Tagore and his son the great poet, and this class of literature has grown after them. Some Bengali writers have produced striking literary works in English also, in prose as well as in poetry. The names of Raja Rammohan Ray, of Madhusudhan Datta, and of several members of the Dutta family of Rambagan including the famous Toru Dutta, and of Mrs. Sarojini Naidu and her brother H. N. Chatterjee deserve mention in this connection.[152]

For close upon half a century now, Rabindranath Tagore has been mainly instrumental in shaping the literature of Bengal, and he has besides been exercising through his numerous writings in poetry and prose, his dramas, novels and stories, his lyrics and sonnets and songs, an all-Indian and an international influence of profound significance. Through his writings and the artistic activities of his pupils and followers of the Santiniketan (Bolpur) the outside world is getting an insight into the spirit of Indian civilisation, of which in its manifold aspects, he is a great revivalist and re-interpreter. "Tagore's poetry," remarks Mr. Ramsay MacDonald justly, "is India. It is the product of his devotion to Indian culture. . . . It is of the soul of a people, not merely the emotion of a man; a systematic

152 *Ibid.*, pp. 430—34.

view of life, not merely a poetic mood ; a culture, not merely a tune."[153]

In Hindi Literature, Lalluji Lal, the author of *Prem Sagar* (1803) and Sadal Misra, the author of *Nasketopakhyan* began the transformation of common Hindi into a literary dialect (" High Hindi "), under the guidance of Dr. John Gilchrist at the Fort William College in Calcutta at the beginning of the nineteenth century.[154] The work of the Serampore missionaries who translated the Christian scriptures in the dialects of Northern India should be noted here ; the first portions of Carey's Hindi New Testament were published in 1809 and the Hindi translation of the whole *Bible* was completed in 1818 A.D. *Printing of Hindi books first* began at the College Press at Fort William (Calcutta), but all kinds of books in Hindi began to come out since the opening of a lithographic press at Delhi in 1837, though most of these works were of little literary merit. Hindi writers continued to enjoy, as in the past, patronage of native courts such as at Patna and Charkhari in Bundelkhand, at Rewah in Baghelkhand, at Nagpur, Benares, Ayodhya, Darbhanga and other places.[155]

Hindi Literature has been enriched during this period by a fairly large number of works in prose and poetry. There is a considerable output in the subject of poetics and anthologies, but on traditional Sanskritic lines. Fiction and drama, or periodical literature, have so far been mainly translations and adaptations from the neighbouring Bengali literature. But signs are not wanting in the present generation of a tendency towards striking out a line of development free from medieval tradition and imitation. Among the writers who flourished in the nineteenth century the names of the following deserve mention :—Padmakar Bhatt (1753—1833) the author of *Jagad-*

[153] *The Government of India*, p. 245.

[154] F. E. Keay, *A History of Hindi Literature*, p. 88.

[155] Keay, *Op. cit.*, pp. 94-95; Grierson, *Op. cit.*, pp. 107-08.

vinod, Gokul Nath, who completed in 1829 the translation of the *Mahabharata* into Hindi and wrote other works as well, Chandra Sekhar Bajpeyi (1798—1875), the author of *Hamir Hath* and other works, Raja Shiv Prasad (1832—95) and Babu Harishchandra of Benares (1850—85) who, for his varied writings, has been often called 'Bharatendu' ('The Moon of India'). Among the Bihari poets, all writing in the Maithili dialect,[155a] the names of Bhanu Nath Jha (c. 1850 A.D.) and Harsha Nath Jha (b. 1847) deserve mention ; both of them were attached to the court of the Maharaja of Darbhanga. In the list of anthologies the most important of all in size and contents is the *Raga-Sagarodbhava Raga-Kalpadruma*, compiled by Krishnananda Vyasa-deva and published in 1843.

The nineteenth century saw Urdu Poetry at the height of its popularity and also the growth of Urdu Prose. Some of the most famous Urdu poets flourished during this period at Lucknow, Delhi, Patna, Rampur, and Hyderabad ; amongst them may be specially mentioned Ghalib, a poet and philosopher having "originality in thought, expression, similes, metaphors, imageries, vocabulary and constructions"[156]; Ghalib's worthy pupil Zaki (1839—1903 A.D.) ; Annis (1802—74 A.D.) "who was a born poet and had received poetry as inheritance" and whose *marsia* or elegies are brilliant specimens of Urdu Literature ; Altaf Hussain Ali (1837—1914), whose *Musuddus Hali* or the *Ebb and Flow of Islam* is one of its landmarks. A new turn to Urdu (and Persian) poetry has been given in the twentieth century by the celebrated poet Muhammad Iqbal of Lahore,—the Rabindranath of the Punjab, —whose poems are read and appreciated both in and out of India. Urdu prose for practical purposes came into existence at the Fort William College in Calcutta under the care of Dr.

[155a] It is noteworthy that in spite of this fact the Patna University has recently rejected the claims of Maithili to be recognised as a medium of instruction and examination in it along with Hindi which really does not belong to Bihar.

[156] Ram Babu Saksena, *History of Urdu Literature*, p. 164.

John Gilchrist, who has been "fitly called the father of Urdu Prose"[157]; the Christian missionaries thus conferred an inestimable benefit on Urdu Literature[158]; but the "halcyon days of Urdu prose were in the latter half of the nineteenth century," when Sir Syed Ahmed and a distinguished band of scholars (Hali, Shibili, Zakaullah, Cherag Ali, Mohsin-ul-mulk, Nazir Ahmad, Azad, Soshar and others) "gave a great impetus to the development of Urdu."[159] Western education and contact with English literature liberalised thought and style in Urdu literature, and books on history, travels, fiction or science, and journals began to appear. The Urdu drama has however so far remained a 'local product' without any appreciable external influence, and still awaits the touch of the general renaissance.

Western and Southern India also have showed examples of the modern literary renaissance. In Maharashtra, Vishnu Shastri laid the foundations of Marathi prose literature and Annasahib Kirloskar of the Marathi drama. In Gujrat, Dayaram (1767—1852) produced love lyrics of excellent quality; and Behramji Malabari, the great Parsi reformer, was also an author of note having equal command over Gujarati and English.[160] Justice Kashinath Trimbak Telang (b. 1850 A.D.), with his profound scholarship in Sanskrit and Marathi, exercised a stimulating influence on the Marathi literary circles. Both Gujarati and Marathi have profited appreciably by the models set up by the Bengal literary revival, and many standard Bengali works were translated into these West Indian vernaculars. In South India, Mr. Chandu Menon wrote in 1889 a novel of great interest entitled '*Indulekha*' in the vernacular language of the Malabar coast, Travancore and Cochin.[161] In Madras, Mrs. S. Sathianadhan wrote her two well-known

[157] *Ibid.*, p. 242.
[158] *Ibid.*, p. 256.
[159] *Ibid.*, p. 21.
[160] Karkaria, *Op. cit.*, Chapters IV—VI.
[161] Frazer, *Op. cit.*, p. 434.

novels, '*Saguna*' and '*Kamala*.[162] Orissan life also has revived and grown in the period under review very largely under the influence of the Bengal renaissance. The new Oriya literature began with the writings of three notable authors,—Radhanath Ray, Madhusudhan Rao, and Fakir Mohan Senapati,[163] and gradually this literature has asserted its own position.

Thus there has been an almost general awakening of the Indian mind leading in most cases to a revival and adaptation of the past literary traditions of India, which have been and are being harmonised with all that the West and the wide world has brought and is still bringing to the doors of India. As Mr. R. W. Frazer has remarked: "Men such as Ram Mohun Roy, Keshab Chandra Sen, Michael Madhusudhan Datta, Bankim Chandra Chatterji, Kashinath Trimbak Telang, are no bastard bantlings of a Western civilisation; they were creative geniuses worthy to be reckoned in the history of India with such men of old as Kalidasa, Chaitanya, Jaya-deva, Tulsidas, and Sankar-acharya, and destined in the future to shine clear as the first glowing sparks sent out in the fiery furnace where new and old were fusing."[164]

This cultural renaissance has also necessarily created in Modern India a spirit of enquiry into the past history and antiquities of the country. The foundation of the Asiatic Society of Bengal in 1784 was a landmark in the history of India from this standpoint (marking as it does the beginning of the cultural fusion of East and West in world history as well), and since then the researches of a number of prominent European scholars (like Sir Charles Wilkins, Sir William Jones, Henry Thomas Colebrooke, Alexandar Hamilton, Friedrich Schlegel, Franz Bopp, F. Rosen, Rudolf Roth, F. MaxMüller, Theodor Aufrecht, Burnouf, Lassen, T. W. Rhys Davids, George

162 *Ibid.*, p. 439.

163 B. C. Mazumdar, *Typical Selections from Oriya Literature*, Vol. III, Introduction, p. xxi.

164 *Op. cit.*, pp. 446-47.

Bühler, A. A. MacDonell, Keith, Jolly, M. Winternitz, and Tucci) have unfolded India's intellectual past in its manifold aspects.[165] No less important work in this field has been done by a galaxy of prominent Indian scholars—Raja Rammohan Ray, Dr. K. M. Banerjea, Rajendra Lal Mitra, Bhagvan Lal Indraji, Sir R. G. Bhandarkar, Mr. R. C. Dutt, M. G. Ranade, Mahamahopadhyaya Haraprasad Shastri, Rakhaldas Banerjee, and many others down to our own day. The University of Calcutta, the Visvabharati of Rabindranath Tagore, the Oriental Institute at Lahore, the Bhandarkar Oriental Institute at Poona and the Asiatic Society of Bengal are giving considerable impetus towards the study of Indian antiquities. The Government of India Archaeological Department has also been rendering highly useful services in this matter by exploration and preservation, as is clear from the valuable annual "Reports" and specially from the recent excavations at Mahenjodaro (in Sindh), Harappa (in the Punjab), Taxila, Nalanda, Paharpur and Mahasthan (in Bengal), and Nagarjunikonda (in the Madras Presidency), which have disclosed immensely important facts about the past history of India and have revolutionised current notions about things Indian. The Ancient Monuments Preservation Act passed during the administration of Lord Curzon has safeguarded and preserved many of the past relics of India's history and culture, and most native states are now enthusiastically preserving and studying antiquities within their limits, through their own archaeological departments.

In the study of philosophy and science also Indian intellect has made considerable progress in modern times. Eminent philosophers like Dr. Sir Brajendra Nath Seal, Dr. Sir Rabindranath Tagore, Dvijendranath Tagore, Dr. S. Radhakrishnan, Dr. S. N. Das Gupta and others have produced works of everlasting value, re-interpreting and re-creating Indian philosophy ; while in scientific studies and discoveries scholars like Dr. Sir J. C. Bose,

[165] A. A. MacDonell, *India's Past*, pp. 236—45; M. Winternitz, *A History of Indian Literature*, Vol. I, pp. 8—25.

Dr. P. C. Ray, Sir C. V. Raman, and Dr. Meghnad Saha have gained international fame ; even in the domain of the younger sciences, the patient researches of Rai Bahadur Saratchandra Ray among Chota Nagpur tribes have immensely added to the knowledge of anthropology in India. The various scientific surveys, like the Geological Survey, the Zoological Survey, the Botanical Survey, etc., conducted under Government guidance, have trained up a fair number of Indian practical scientists and brought out valuable materials for study and economic utilization. The scientists of India, who have for many years been meeting annually in a Science Congress, have recently been considering the creation of an Academy of Sciences for India, but unfortunately a split has occurred between North and South Indian workers, and Sir C. V. Raman has started this year (1934) an Academy of Science at Bangalore without the 'northerners.'

Indian art has also revived in comparatively recent times from the decadence which had overtaken it during the period of political disorders following the gradual dismemberment of the Mughal Empire from the latter half of the seventeenth century. Real art must be nourished by high inspirations and sentiments under conditions of peace and order, cultural progress and national regeneration ; but the eighteenth century in India being a period of transition, saw a regrettable deterioration of creative genius and artistic standards, and a decline in the capacity of producing and appreciating true art. Artists in the real sense of the term ceased to appear and the old styles remained for sometime in enfeebled condition in the old cities like Delhi, Jaipur, Lucknow, Hyderabad and Mysore. The descendants of the old architects, craftsmen and painters displayed a vitiated taste during the first half of the nineteenth century and became bad imitators of Western styles. The Qaisar Bag of Wajid Ali Shah at Lucknow and the Chattar Manzil of Nasiruddin Haidar, constructed of brick and plaster, and the huge styleless buildings set up by the rich men of our country and also by the Public Works Department of the British

Indian Government are examples of this debased taste and a meaningless imitation. Gradually, however, there has been a desire to give up this imitation and jumble of things foreign, and to introduce a new style, which though not exactly a revival of the traditional Rajput and Mughal styles, is however marked by a mingling of Western and Eastern ideas and models of buildings, and based upon the adaptation of modern science and examples to the Indian conditions and needs. In this new architecture a clear lead has been given by the New Delhi and the London India House workers including Rajput and Moghul, Bombay and Bengali talents, and by Calcutta civil engineers, who in the course of the last few years have turned out building plans and architectural motifs of a distinctly Indian type while they are not slavish revivals.

Painting has been rescued from the same deplorable condition, and has manifested a return to Indian inspiration and ideals, through the genius and efforts of a group of Bengali artists, chiefly the Tagores and the Gangulis and their disciples. "The revival of Persian, Mogul and Hindu art, though in inferior hands it is copying, in others, like the Tagores and Gangulis, it is a spirit and a genius."[166] Dr. Abanindra Nath Tagore has been the *guru* of this group of artists who have been working with vigour and faith ; among the younger artists the names of Mr. Nandalal Bose of Bengal and of Abdur Rahaman Chaghtai of the Punjab deserve special mention ; and in Bombay the pupils of Dr. Solomon are trying to evolve a new school of painting which seeks to apply Western methods to actual modern Indian conditions and to free artists from the leading strings of medieval and ancient tradition. Mr. E. B. Havell, who was for several years Principal of the Government School of Art in Calcutta, was a genuine worker of this art renaissance in Bengal, and Dr. A. K. Coomaraswamy has been for several years trying to convince the outside world

[166] MacDonald, *The Government of India*, p. 24.

of the majesty and spiritual qualities of Indian art. Like painting, sculpture has also revived on similar lines, the centres of renaissance being the Calcutta and Bombay Art Schools. The growth of new art schools in the other provinces, as at Lahore, Jaipur, Lucknow, etc., has helped and been helped by the Bengal and Bombay Art Renaissances a good deal, and promises to produce an India-wide Art movement in the near future.

Indian Music again has been similarly rescued from neglect and the mire of medieval social stigma by Bengal in the nineteenth century, and the study and cultivation of it grew rapidly with the rise of the modern Bengali drama and the stage,—in *which* connection the services of three Tagores, Raja Saurindra Mohan, Maharaja Jatindra Mohan and Jyotirindranath (a brother of the great poet), are to be noted. Music was given its proper place in even austere religious exercises by the Brahma Samaj under Rammohan Ray and Devendranath Tagore. In fact the Tagores have performed the 'Suddhi' of Indian Music, restored it to respectable men and women alike, and ushered it into the stage of the modern world of culture for appreciation in India as well as abroad. Subsequently, in Calcutta, Bombay, Poona, Baroda and other places, schools and Academies of Music for scientific study and practice of Indian music and musical instruments and its application in cultured society, have grown up. One of the latest and most important developments in Indian music is the application by Bengali artists of Western musical science and methods in a subtle way to the traditional Indian forms, so as to enrich its 'melody' with 'harmony' without departing from its essential characteristics. Another important allied development is the rapid growth of a revived school of Indian dancing based on classical and folk traditions and polished by Western technique, which is enthusiastically supported by the cultured sections of Indian Society following the lead of Calcutta, and which has already evoked critical appreciation even in foreign countries.

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ILLUSTRATIVE MAPS

India in 1798.
Maratha War 1803-5.
India in 18[illegible]5.
Sikh Kingdom and Sikh Wars, 1839-49.
5. Maratha Wars: South West Front.
6. Partition of My[illegible]re.
7. India in 1858.
8. Burma and Bu[illegible]se Wars.
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